

**GOVERNMENT OF ASSAM
POLITICAL ::: (A) ::: DEPARTMENT
(VIGILANCE CELL)**

NO. PLA (V) 55/2003/12

Dated Dispur, the 16th June, 2004.

OFFICE MEMORANDUM

After careful consideration and for speedy implementation of the vigilance & Anti-Corruption measures and in partial modification of the letter No. C-121/54/20, dated 04.11.1954, the Government of Assam has decided to order for adopting following guidelines in all vigilance enquiries initiated by Political (Vigilance cell) Department against the State Govt. officer (s) employee (s) for the allegations and vigilance report :

A] ALLEGATION PETITION

(1) As soon as an allegation-petition is received by Political (Vigilance cell) Department, it shall examine as to whether the allegation-petition contains the identity and addresses of the complainants and whether the specific details of the alleged irregularities have been clearly spelt out in the allegation-petition.

a) If the allegation-petition is anonymous/pseudonymous and does not contain specific details of alleged irregularities, no action shall be taken on the allegation-petition.

b) If the petition is anonymous/pseudonymous but contains specific details of the alleged irregularities, in that case the matter shall be referred to the Chief Minister for according approval to initiate Preliminary Enquiry.

c) In all other cases, the matter shall be referred to the Chief Minister for according approval to initiate Preliminary Enquiry.

B] PRELIMINARY ENQUIRY

As soon as a decision has been taken to have an enquiry made into allegation contained in an allegation-petition, a preliminary enquiry shall be initiated by the Political (Vigilance cell) Department. The Preliminary Enquiry shall be a discreet enquiry so as to verify the facts alleged in the allegation-petition. Completion of the preliminary enquiry shall not take more than three months time. In case, the enquiry officer fails to submit his preliminary enquiry report within the stipulated three months time then necessary disciplinary action shall be initiated the said Enquiry Officer.

(2) On receipt of the preliminary enquiry report the Political (Vigilance cell) Department shall forward the same to the administrative department of the suspected officer/employee. The administrative department shall call for explanation from the concerned suspected officer/employee. On receipt of the explanation, if any, the administrative Department shall examine and thereafter forward the explanation, if any, along with their specific views and material evidence to substantiate the explanation of the concerned suspected officer/employee to the Political (vigilance cell) Department. Administrative Department shall not take more than three months time in the process. In case, the Administrative Department fails to offer its specific views within the stipulated three months time, then the political (Vigilance cell) Department shall move the matter to the Chief Minister for according approval to initiate Regular Enquiry.

(3) On receipt of the explanation of the suspected officer/employee and the views of the Administrative Department, if it is found by the Political (vigilance cell) Department that a regular enquiry should be held, it shall submit the matter to the Chief Minister for his approval to initiate Regular enquiry.

[C] REGULAR ENQUIRY

(1) During the course of Regular Enquiry, the suspected officer/employee concerned shall be given an opportunity to say that he may have to say about the allegations against him and to find out if he is in a position to give any satisfactory information or explanation. In the absence of such an explanation, the suspected officer/employee are likely to be proceeded against unjustifiably. Such an opportunity however may not be given in cases in which a decision to initiate departmental proceeding is to be taken without any loss of time. For example in a case in which the suspected officer/employee concerned is due to retire or to superannuate soon and it is necessary to issue the charge sheet to him before retirement, the Regular Enquiry shall be completed within six months. In case, the enquiry officer fails to submit his regular enquiry report within the stipulated six months time then necessary departmental action shall be initiated against the said enquiry officer.

(2) After the Regular Enquiry is completed, the Political (Vigilance Cell) Department shall prepare a self-contained report including the material available to controvert the defence. The report shall contain the explanation of the suspected officer/employee. The fact that an opportunity as referred to above was given to the officer concerned should be mentioned in the report, even if the suspected officer/employee did not avail of it.

[D] DISCIPLINARY PROCEEDINGS

Political (Vigilance Cell) Department shall submit the report of the regular enquiry to the disciplinary authority for further action. As soon it is decided by the disciplinary authority to institute disciplinary proceeding against the suspected officer/employee, the allegation-petition shall be regarded as having taken the shape of a vigilance case.

[E] CRIMINAL PROCEEDINGS

If after examination of the report of the Regular Enquiry, it is found by the Political (Vigilance Cell) Department that sufficient evidence is forthcoming for drawing up criminal proceedings against the suspected officer/employee then the matter shall be referred to the Chief Minister for his approval to initiate the criminal proceedings. As soon as it is decided to institute criminal proceedings against the suspected officer/employee, the allegation-petition shall be regarded as having taken the shape of a vigilance case.

[F] PROSECUTION SANCTION

After establishment of the evidence of criminal charges against the suspected officer/employee, Political (Vigilance cell) Department shall move the proposal to concerned appointing Authority for issue of prosecution sanction against the suspected officer/employee. The concerned Appointing authority after consultation with Legal Remembrancer shall take necessary action to obtain necessary approval for prosecution sanction from the competent authority.

These instructions shall come into force with immediate effect.

Sd/- Dr. B. K. Gohain,
**Commissioner & Secretary to the Govt. of Assam,
Political Department.**

Memo No. PLA(V) 55/2003/12-A

Dated Dispur, the 16th June, 2004.

Copy to :

- 1] PPS to Chief Minister, Assam Dispur.
- 2] PS to Chief Secretary, Assam, Dispur.
- 3] All Addl. Chief Secretaries, Govt. of Assam.
- 4] All Principal secretaries Govt. of Assam .
- 5] All Commissioners & Secretaries, Govt. of Assam.
- 6] All Secretaries, Govt. of Assam.
- 7] The Director General of Police, Assam.
- 8] The Director General of Police, Vigilance & Anti-Corruption, Assam, Guwahati.
He is requested to follow the guidelines in respect of anonymous complaints.
- 9] The Director General of Police, Home Guards and Civil Defence.
- 10] The Addl. Director General Police, CID.
- 11] The Inspector General of Police, Bureau of Investigation (E.O.), Assam.
- 12] The Superintendent of Police, C.M's Special Vigilance Cell, Assam, Guwahati.
- 13] PS to all Ministers, Assam.
- 14] The Inspector General of Police, Special Branch, Assam, Guwahati : 19.

By order etc.

**Secretary to the Govt. of Assam,
Political Department.**