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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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सं./No..... 014/VGL/066
19th March, 2015

दिनांक / Dated.....

CIRCULAR No. 03/03/15

Sub: Referring matters of alleged commission of criminal offences and frauds etc., in CPSEs to CBI – Special Chapter for Vigilance Management in CPSEs – reg.

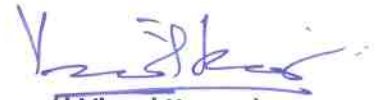
The Commission in terms of its powers under Section 8(1) (h) of the CVC Act, 2003 exercises its function of superintendence over the vigilance administration of the Central Public Sector Enterprises (CPSEs). The Commission has of late, observed that the number of cases/instances involving criminal misconduct including financial irregularities and frauds detected in the CPSEs being referred to the Central Bureau of Investigation (CBI) for investigation are very few every year.

2. As a general rule, investigations into such type of criminal matters should be entrusted to the CBI. The provisions laid down in Para 11.3.1 of the Special Chapter for Vigilance Management in CPSEs provide that cases are to be entrusted to CBI with the approval of the CMD of the CPSE, if the allegations: (i) are criminal in nature (e.g. bribery, corruption, forgery, criminal breach of trust, possession of assets disproportionate to known source of income, cheating etc. or (ii) require inquiries to be made from non-official persons; or (iii) involve examination of private records; or (iv) need expert police investigation for arriving at a conclusion; or (v) need investigation abroad. Further, vide Para 9 of the Special Chapter for Vigilance Management in CPSEs, the CVOs of the CPSEs are required to interact frequently and exchange information with CBI on a quarterly basis. In Para 9.4 *ibid*, it is also prescribed that the CPSEs should ordinarily send to CBI only cases involving transactions not less than ₹25 lakhs or otherwise possessing national or international ramifications and other cases are to be sent to the local police authorities. In other words, matters wherein, *prima-facie* commission of any criminal offence under the Indian Penal Code (IPC), PC Act, 1988 or any other law are required to be referred to the CBI by the CPSEs.

3. The Commission has also noticed instances of some CPSEs referring cases/matters *prima-facie* involving criminal offences, financial irregularities and high value frauds involving officials of CPSEs or outsiders to the Local police/State police authorities instead of referring to CBI for investigations. The Commission would advice all CPSEs to strictly adhere to the laid down procedure and principles as in the Special Chapter for Vigilance Management in CPSEs.

4. Accordingly, it is clarified that all such matters wherein involvement of officials of the CPSE is prima-facie evident shall be referred to the Anti-Corruption Branch of CBI and where involvement of officials is prima-facie not evident shall be referred to the Economic Offences Wing of CBI. Further, criminal matters of the above nature would be referred to the local police/State police only in matters wherein the CBI has refused/rejected to take-up investigations or transactions less than ₹25 lakhs.

5. All CPSEs are advised to comply with the above provisions in referring cases/matters of criminal nature involving both insider/outside detected in the CPSEs. The CVOs of CPSEs would report to the Commission, the details of cases/matters noticed in the CPSEs and the action taken status thereon regularly in their monthly reports.



(J Vinod Kumar)

Officer on Special Duty

To

All Chief Vigilance Officers of Ministries / Departments
All Chairman & Managing Directors of CPSEs
All Chief Vigilance Officers of CPSEs

Copy for information to: - The Joint Director (Policy), Central Bureau of Investigation, Policy Division, North Block, New Delhi – 110 001 – with the request to suitably inform all Anti-Corruption Branches/Economic Offences Wing Branches of CBI accordingly.