



Cartoon by Hansraj Sharma



सतर्कता बुलेटिन्



पूर्व तट रेलवे

EAST COAST RAILWAY

VIGILANCE BULLETIN

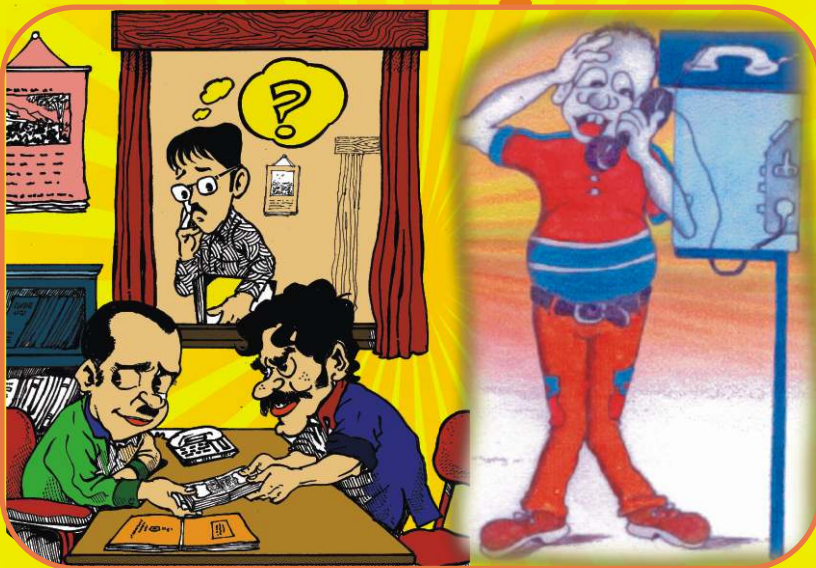
जून / June - 2010

अंक / No. 6

JOIN IN THE FIGHT AGAINST CORRUPTION

Hello ?

I want to report a case of corruption !



Don't ignore Corruption
RESIST, REJECT & REPORT

VIOLANCE DEPARTMENT • PUNE • 1402 2008



Issued in public interest by

EAST COAST RAILWAY

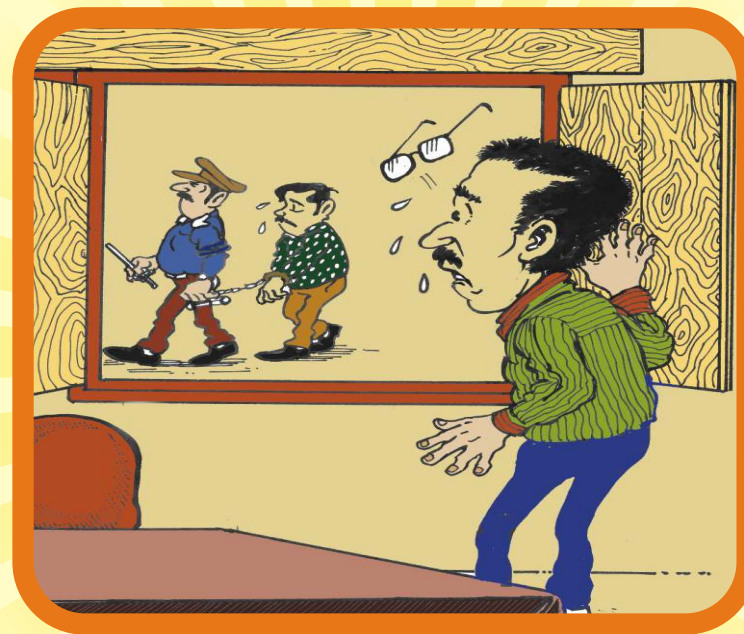
www.eastcoastrailway.gov.in

Please communicate us in the following address
for giving information :

Sr. Deputy General Manager &
Chief Vigilance Officer
East Coast Railway, ECoR Sadan,
Chandrasekharpur, Bhubaneswar - 751 017
Phone No : 0674 -2300230

JOIN IN THE FIGHT AGAINST CORRUPTION

Corruption hurts EVERYBODY...



ONE DAY IT COULD AFFECT YOU !
**If you notice corruption report it before you
or someone else falls victim to it.**

VIOLANCE DEPARTMENT • PUNE • 1402 2008



Issued in public interest by

EAST COAST RAILWAY

www.eastcoastrailway.gov.in

Please communicate us in the following address
for giving information :

Sr. Deputy General Manager &
Chief Vigilance Officer
East Coast Railway, ECoR Sadan,
Chandrasekharpur, Bhubaneswar - 751 017
Phone No : 0674 -2300230



पूर्व तट रेलवे EAST COAST RAILWAY

सतर्कता बुलेटिन् VIGILANCE BULLETIN

जून / June - 2010
अंक / No. 6

An innocent heart attracts benevolence.



EAST COAST RAILWAY



सत्यमेव जयते



Arvind Kumar Vohra

MESSAGE

I am delighted to learn that the Vigilance Branch of East Coast Railway is bringing out the sixth issue of Vigilance Bulletin, comprising a number of articles emphasizing the use of conscience, righteousness and transparency in workplace, with a view to invoking ideals of life in our precious and powerful workforce. Such ideals are essential ingredients of a healthy and purposeful life.

Efforts of the Vigilance Organization in sensitizing people through inspirational films, slogans, posters, essay writing, paintings and cartoon competitions, etc., have always been commendable in sustaining interest in human values. Inclusion of the selected essays and cartoons in the present issue is a step in the positive direction for disseminating the noble message among the railway men and women.

I convey my good wishes to the vigilance branch for taking such a purposeful initiative. I hope the bulletin will generate interest and discussion among railway men across the board.

Bhubaneswar
Dated the 25 June, 2010

(A. K. Vohra)
General Manager

Values are more effective when they are not loudly proclaimed.



EAST COAST RAILWAY



Ravindra Kumar Tandon
Sr. Deputy General Manager

FOREWORD

Ethics and values distinguish human ways of living from that of animals. Human behavior in a given context not only makes our living regulated, but also makes sense of who we are and what we are here for. In a nutshell, these sets of human behavior teach us to live with ourselves. A good moral character is something that induces human values and ethics in our mind and thus perpetually inspire us to see the purpose of life and how to lead a life of purpose.

The current issue includes certain thought-provoking essays written by some of our staff and members of their families on the need of good moral character and transparency, which are certainly the two most essential ingredients of just and fair living in every walk of life including our workplace. The objective has been to inculcate virtue, righteousness, sense of straightforwardness and other human values, in railway men.

We will welcome any suggestions in this regard.

(R. K. Tandon)
Sr. Dy. General Manager

Bhubaneswar
Dated the 25 June, 2010

*Happiness is such great nourishment that it transforms
a person from weak into powerful.*

Transparency



Preventive Check



Cartoon by Hansraj Sharma

*When there is harmony and stillness within,
I can hear the voice of my own wisdom.*

INDEX

1. Essays	Page
1.1 Transparency : An effective tool to mitigate Corruption	01
1.2 Transparency as a deterrence to Corruption	05
1.3 Transparency and Right to Information	10
1.4 Character is the Engine of Progress and Prosperity of a Nation	13
2. Instructions for the guidance of officials dealing with disciplinary cases, appeals, revision and review under the Railway Servants (D&A) Rules 1968.	20
3. Case Study	29
3.1 Demand and Acceptance of illegal gratification for termination of Lease Contract	29
3.2 Demand and Acceptance of illegal gratification for issuing electrical clearance.	29
3.3 Demand and Acceptance of illegal gratification for allotment of berth.	30
3.4 Gross irregularity in handing over of inward consignment to consignee	30
3.5 Fraudulent treatment of relatives in railway hospital	31
3.6 Irregularity in booking of parcels and other irregularities	31
3.7 Irregular claiming of TA and NDA by open line squad TTE	32
3.8 Tout activities at a PRS counter in co-ordination with the reservation clerk	33
3.9 Misuse of Privilege pass by railway staff	33
3.10 Collection of illegal amount by the parcel clerk	33
3.11 Irregularity in Auction Sale delivery	34
3.12 Delay in finalization of Family pension	34
3.13 Carrying of passengers by TTI without proper ticket	35
3.14 Non detection of unauthorized hoardings at a station	35

The sign of integrity is the ability to remain true to my values no matter how other behaves.

TRANSPARENCY : AN EFFECTIVE TOOL TO MITIGATE CORRUPTION

Manoj Kumar Sahoo
JE-I (C&W)/SBP

Take 'ethics', add 'integrity'. Mix well in a bowl of 'institutional reform'. Marinate with 'service culture' and 'code of conduct'. Add 'accessibility' to taste. Shake well. Spill it. Sprinkle some 'accountability'. Decorate with a lot of 'information'. Serve on a platter of 'public confidence'.

That is 'transparency', the best prescription diet to fight against corruption.

Whenever the issue of fighting against corruption crops up, various generic drugs like honesty, policing, strengthening watchdog, social awareness, severity in punishment etc. are being suggested by social pundits and management gurus, which are primarily aimed at the individuals rather than the system. It may succeed in curtailing the magnitude by motivating more individuals towards the objective, but can not guarantee against all individuals who are part of the organization or going to be a part in future. On the other hand, 'transparency' aims to modify the entire system of operation with emphasis on individual accountability. A mole here and there may remain dormant in the system as transparency will not allow them to function. The necessity of external watchdog or policing gets minimized. It is better to uproot the corruption tree as a whole instead of trimming the branches every now and then.

To have negative thoughts over and over again is like drinking polluted water. In time it will make me sick.

Transparency is the strategic entry point to mitigate corruption. It sets the basis of accountability, checks against mismanagement, builds public confidence and promotes informed response of citizens. Transparency, as a tool to mitigate corruption, is not an elemental entity but an assimilation of some basic fundamentals, without which the concept of 'transparency' can not be implemented in true sense. These are

- ♦ Streamlining assessment and regular monitoring
- ♦ Access to information
- ♦ Ethics and integrity
- ♦ Institutional reforms
- ♦ Accountability at each stratum
- ♦ Targeting public specific issues

Implementation of transparency in the system of operation rests on the threshold of some basic rules.

1. Adoption of a normative model of good governance by incorporating more result oriented decision-making, replacement of centralized organizational structure with decentralized management environment integrating with institutions at grass root level, flexibility to explore alternatives, accountability and improving system delivery;
2. Administrative restructuring by incorporating simplification of rules, improving working atmosphere, work culture, administrative behavior and citizen friendly administrative procedure;
3. Implementation of electronic governance to reduce human

error, curtail manipulation and to increase accessibility;

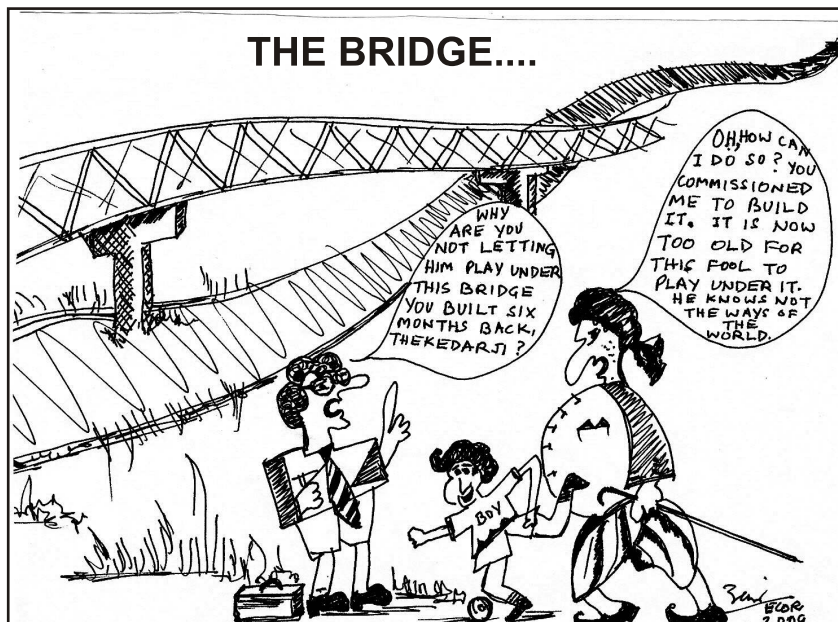
4. Access to right information so that information does not remain under the domain of a privileged few;
5. System feedback and action on deficiencies;
6. Citizen awareness so that the public becomes both participatory and responsive.

The existing systems of operations have their inherent lacunae which are impediments to transparency. Major among them are discretion without accountability, stringent rules or deciphering different meaning of a rule having jargon of legal words, lack of timely publicized information, information not accessible to disadvantaged and lack of service culture. Transparency in public life demands greater access to information, rules and regulations. However, for true transparency, it is not enough that information be made available; it needs to be intelligible and complete. The worst enemy of transparency is complexity.

Indian Railway's attempt to implement 'transparency' in various fields of activity has almost nullified corrupt practices in those spheres. Passenger reservation system, procurement activities, Material Management Information System (MMIS) in fully computerized environment covering its five modules (Purchase, Depot, Finance, Uniform and Sales & Auction module), tender notices in web sites, payment to contractors and suppliers through NEFT/RTGS etc. to name some, have been made transparent. Yet there are some activities that are yet to be

touched. The in-house vigilance department has been in constant effort to identify activities for 'transparency' and to make the system more transparent.

Corruption encourages misallocation of resources, skews level playing field, imposes unpredictable transaction costs and subverts proper functioning of the institution. It benefits those in authority at the expense of the rest of the society. Transparency in the system of operation is a definite tool to mitigate corruption because it itself makes the public the watchdog.



Cartoon by R. K. Tandon

TRANSPARENCY: DETERRENCE TO CORRUPTION

Debasish Mohanty,
Chief Vigilance Inspector (T)

In one of his most quoted remarks, Justice Brandeis once said, "*Corruption thrives in the Dark and by contrast, Sunlight is the best Disinfectant*". Transparency International defines Corruption as the abuse of entrusted power for private gain, which hurts everyone whose life, livelihood or happiness depends on the integrity of people in a position of authority. And, according to Brandeis, the best tool to challenge the 'inevitability of corruption' is to 'unmask' and bring everything to broad day light. This means that in a participatory democracy, enough information should be freely available and directly accessible, in easily understandable forms, to those, who will be affected by the decisions of the authority and their enforcement. Thus transparency is ought to ensure that things are done in a manner that follows clear and well defined rules and regulations. In a simpler way, transparency is about clearly defined practices or not masking what is going on inside.

Despite numerous anti-corruption policies devised and targeted to be implemented, corruption has been a complex and intricate issue. The tentacles of corruption are wide-spread in every public domain and are devastating in nature. In such an alarming scenario, 'Transparency' can be the *First Line Defence* against corruption, because it has the potentiality to ensure openness, accessibility and accountability in policies and processes. It communicates the values and policies of an

*When my inner landscape is full of beautiful thoughts,
everything I do brings pleasure.*

The secret of enthusiasm is remarkably simple: live in a state of appreciation.

organisation to the public and more importantly, how they are translated into action, ultimately, acting as a substantial deterrent to the corrupt. Thus, any campaign to fight back corruption can take off by effectively initiating the process of minimizing the extent and depths of the shadows within the officialdom or in short, effectively implementing the policy of transparency, both in letter and spirit.

Transparency in an organisation does not mean merely opening up its intellectual property files or the classified documents. It is rather essential that the organisation articulate and practise transparency through its well defined processes. Thus to be a successful and trusted organisation, it is necessary to build the confidence of its stakeholders and this is best achieved by institutionalizing transparency in its policies. Moreover, Transparency is one of the basic needs of not only the government system but also every sphere of life. We can practise and promote transparency in each and every sphere of our lives to achieve excellence - in elections, in public administration, in procurement and in business. Some of these are discussed here:

- 1) With criminalisation of politics and more administrative personnel falling for the baits of power and money, a nexus has been established between the two sects to the detriment of the public interest. The recent years have witnessed political interference in the bureaucracy, which obviously happens in a non-transparent working environment, where the public is unaware of what is going on inside. Transparency in administration or in simple words, implementation of unambiguous and clearly defined policies

and procedures can expose any undue advantage derived through political interference, which in turn, shall bring to fore the nexus between the politicians and the bureaucrats, thereby reducing corruption to a great extent.

- 2) The money earned by the government is the tax paid by the public. Even a beggar on the street pays tax, when he buys a piece of soap from the market. The citizens therefore have the right to know how their money is being spent. Every rupee earned by the government and that spent should be made public to their satisfaction that no extravaganza has occurred. If every public undertaking or agency receiving money from the government (Govt. Departments, PSUs, Universities, Panchayats, Local Bodies, Statutory Boards etc) is made to furnish a report to the public containing the works undertaken, details of tendering processes, how expenditures were made and on what, whether independent audits on the fund has been undertaken, details of achievements and shortfalls, who worked on what capacity etc., it will not only act as a deterrence to any extravaganza in spending public money and any corrupt practice, but also ensure congruence between public policy, its implementation and the efficient allocation of resources through public financial accountability and transparency.
- 3) Most of the government departments keep secrecy in the proceedings to prevent the public identify their mistakes and keep a check on them. The basic object behind Transparency is to curb the evil of corruption and increase openness of the government departments. Transparency

shall obviously help dismantle an authoritarian rule, because, it makes the system more participatory by influencing civic engagement in a more direct manner. It invites and cordially accepts complaints and suggestions from the intellectuals of different fields. Decisions, in other words, is taken in a democratic manner. In addition, there shall be a question of accountability, which shall effectively inspire the decision-maker to be fair and impartial.

- 4) Declarations of Assets, even if unlikely to be accurately submitted by bribe-takers, shall formally record their financial positions and as such, can nevertheless, lay an important building block for any subsequent prosecution. This will discard any subsequent false deposition by such corrupt officials regarding illegally acquired wealth, not disclosed earlier. It is suggested that this should apply to a certain post-service period, as a deterrent to the receipt of corrupt payments after retirement.
- 5) Political funding in the contemporary democracy has created an apprehension of inflicting irreversible harm to the institutions of government. Thus transparency in funding of political parties is supposed to ensure transparency in the working of political parties, which is a pivotal constituent in a representative democracy like ours. A step has already been taken by the Central Information Commission by holding that copies of Income Tax Returns of the political parties and the Assessment Orders passed thereon be made public.

Democracy should not be perceived as a form of the government where people vote a government in office at regular

Unity blossoms when there is appreciation of the values of each person and their special contribution.

intervals and retire into passivity after the elections are held. But such participation can be effective only if the people have proper information about the way the government business is transacted. In this regard, Right to Information (RTI) has added momentum to the anti-corruption movement, besides diminishing tolerance of corruption. Coupled with RTI, Transparency has a cleansing effect on the functioning of the government and helps in keeping a check on corruption.

The efficacy of a democracy like ours is very much dependant on accountability, which requires that its people should have information about how the government functions. Information, however, must be timely, relevant, accurate and complete for it to be used effectively. Only then, the participants of the democracy i.e. the common man shall start to believe in the system, shall expect the administration to work fairly, efficiently and impartially.

Let's move towards the needs and concerns of our nation and its people. Let's end the devastating impact of corruption around us and move towards a corruption free world by means of transparency in every sphere of life.

The vibration of pure thoughts can reach out and touch the whole world. My life can then do the work of a lighthouse.

◆◆◆

When there is patience, there is peace. Where there is peace, there is a whole new experience of what it means to be human.

If I keep the weakness of others in my mind they soon become my weakness too.

TRANSPARENCY AND RIGHT TO INFORMATION

Minakshi Pratihary
W/o- Bhabagrahi Khuntia
SE (C&W)/ANGL

Corruption is a dishonest act. It is regarded as a low risk and highly profitable way of earning quick bucks. In present spectrum, an honest man is like a drop in the ocean who loses identity as soon as mingles virtually in the salty water of the ocean.

Corruption in any form is treated as an incurable disease; a cause of many social and economical evils in the society and it damages the moral and ethical fibers of the civilization. Once corruption starts taking place, slowly and gradually whole country passes through its net. It is not confined to politicians or the government machinery alone. It is prevalent amongst almost every section of the society, at every level. The cancer of corruption has taken such an alarming shape in the body of Indian Society, that to remove it fully has become an impossible task. Several departments are well known for their corrupt ethics, like Forest deptt. Transport Dept, PWD, Sales Tax, Income Tax Deptt, even now several cases from Judiciary as gradually coming into picture. Despite more than 62 years of independence, India figures in the first 30 most corrupt countries as per a survey conducted by an independent agency. The virus of corruption has crept into all walks of life. Every wing of the administration is rotten with the corrupt practice. So every citizen have to take cudgels to fight this evil and to save our beloved country from the jaws of this monstrous animal. Corruption like diabetes can only be

A powerful way to gain the trust of others is to let them sense your trust in them.

controlled but can not totally be eliminated Adoption of full transparency in official dealings is one of the important measures to mitigate corruption.

Transparency or right to know or right to get information, emanates from the fundamental rights; Right to speech and expression guaranteed under Article 19 (i) (a) of the Indian Constitution.

Transparency means knowing the reasons, facts, logics and basis of the decision taken by the administration. Transparency in public administration in legal terms means that a citizen of India has a right to have access to the information about government's action. Denial of such information to the public by the public authorities without appropriate reasons means a restriction on Right to speech and expression.

Under the purview of Official Secrets Act 1923 any kind of document can be termed as secret, as Section 5 of the Act makes almost everything a secret. The second Press Commission recommended the need for amending the Act in 1982.

The press, as an important media of transparency, gathers lot of information from various sources and enlightens the public about the affairs of the government, as such plays an important role of checking the misuse of power by the executive.

After long and persistent campaign by various activists, the Right to Information Act came into force in September 2002.

Undoubtedly, transparency in public administration will make the executive more responsible and friendly. The red-tapism

Just as I should never seek to control anyone, let me never allow anyone to control me.

prevailed in the public administration will be minimized as the public become more powerful. Transparency will positively result in wiping out the authoritarianism and whimsical way of working of the so called powerful bureaucrats, under the patronage of politicians. The discretion enjoyed by the bureaucrats and politicians will come into focus, once transparency in public administration prevails.

There is hardly public awareness about the Act among the people who can ask for any kind of information from any government office and get it, unless it is classified and those who are aware of the right are in the dark about its procedural requirements.

Despite some shortcomings, legislation assures the Right to Information as a major step and effective tool to mitigate corruption from the society.

SKELETONS IN THE CUPBOARD



Cartoon by R. K. Tandon

People will naturally start trusting me when they see my reliability and consistency.

CHARACTER IS THE ENGINE OF PROGRESS AND PROSPERITY OF A NATION

Haladhar Sahu,
CA to Sr. DEN/SBP

*Sow a thought, and you reap an act;
Sow an act, and you reap a habit;
Sow a habit, and you reap a character;
Sow a character, and you reap a destiny.*

-- Charles Reade

CHARACTER building is Nation building. It is not just about sovereignty, but sovereignty and beyond. It is not just about secularism, but secularism and beyond. It is not integrity, but integrity and beyond. Nation building is about people first, and everything else second. It is about a people's character first and foremost.

In past. there were many people who went through a lot of sufferings, staged revolutions and fought civil wars. They may have been victorious over their enemies, but that reflected only factionalism, not nationhood. Invariably, victories and defeats in wars only led to future wars when disagreements could not be bridged by common goals or interests. In the course of history, many people arrived at common goal with much pain and bloodshed along the way. From those common grounds were born the seeds of nationhood, the collective state and struggle of people to attain their higher aspirations. From stages of violence, exploitation of position and power for personal gains, people grow to nationhood with their own social and cultural refinement. In

When I notice a weakness in another, let me also aim to recognize their strengths.

other words, people grow to nationhood when their character develops the virtues and values that propel them towards higher humanity.

Violence, corruption and poverty are the standard ills or evils in our prevailing Indian society that plague people who are yet unable to touch the higher thoughts of creation. When there is a struggle among the people for material needs and power, their togetherness translates only to survivalist behaviour and growth at the expense of others who are weaker. It is the refinement of character or the development of collective discipline which adopts integrity, honesty, industry, respect and humaneness for the young, the elderly, and the weaker that a people rise up to nobility and honour.

Nation building takes on a universal character when universal values are sought by people of a nation from different nations & sources. At the same time, the uniqueness, culture and spirituality will play a major role in configuring universal values to a particular society. When people's character remains weak, selfish or exploitative, nation's prosperity is simply not possible. In other words, people having & following ill standards will not be in a position to build a nation grounded on their belief and systems. Their own lack of vision in their areas do not set a kind of examples that could inspire and influence the other people having broad sense of thought. So we must confront the weak areas in us to refine our character with more wisdom and resolve with greater discipline in more effective ways to strengthen our collective character, evolve their virtues and lessen weaknesses.

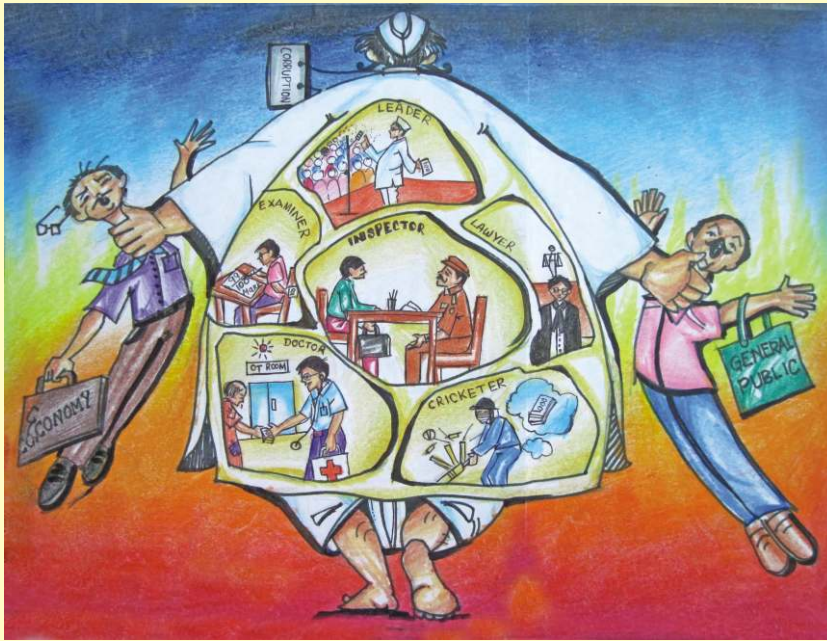
Truth will always reveal itself at the right moment and the right place.

The weakness of collective character is mostly expressed in factionalism. It is not an exclusive but it is a special one for a people who had been guided by a particular force to fight one another rather than band together. Sporadic rebellions had arisen from different places in the land, but never in coordination or collaboration with those apart from them. The only seed of a national uprising is possible when all of us go on a common interest & logic to end conflicts. This some times becomes unattainable for the diversity structure we have in our society with fragile interest & culture. This divides the reality and makes national unity even more unattainable.

In the face of all, we are all the more reminded that the game is not so much out there but inside of us. Our diversity, our lack of consciousness and perseverance in our work and our goals, for the nation, all these slow us down towards our oneness as a people. It would all seem impossible from our state of affairs to make progress towards collective discipline and self-reliance. But we should have faith in our refined character, inner discipline and a deep faith in the divine too.

A good character is the nursery of miracles, and experiences have shown just how miracles can happen. Our longing for change, our thirst for dignity and nobility, and our journey for nationhood require an engine in form of refined and noblest characters which we must all meet. It is our inner challenge, the refinement of our spirituality and the formation of our characters that will lead us to building the nation; we can be proud of and dream a future full of hope to have a progressed and prosperous NATION.

The more I focus on the good in others, the more I help them gain confidence.



Art by Arpita Kanungo



Art by Trupti Rekha Swain

Art by
Smt. Rosalin Dash



Only talent filled with humility is of real use to humanity.



Art by Nupur Jena

1. Expectations in relationships create confusion and disappointment. Let me be totally accepting of others as they are.

INSTRUCTIONS FOR THE GUIDANCE OF OFFICIALS DEALING WITH DISCIPLINARY CASES, APPEALS, REVISION AND REVIEW UNDER THE RAILWAY SERVANTS (DISCIPLINE & APPEAL), RULES 1968.

1. Responsibility of Disciplinary Authority:

The officials dealing with disciplinary action cases should carefully exercise checks at different stages in order to eliminate procedural defects and to ensure that the extant rules and instructions are not overlooked or violated. A “Model Time Schedule” for finalising departmental proceedings in major penalty cases is given in Para 825 of the vigilance manual. They should keep in mind, among others, the points indicated in the following paras.

2. Service of charge sheet :

- (a) It should be ensured that the charge sheet is issued in the prescribed Standard Form, filled and completed in all respects.
- (b) It should be signed by the Disciplinary Authority or by an officer to whom the power for signing the charge-sheet, on behalf of the competent disciplinary authority, has been delegated constitutionally and legally.
- (c) If the disciplinary action proposed is for imposition of a major

penalty, the charge- sheet shall consist of (a) a statement of articles of charge framed against the concerned Railway servant, (b) a statement of imputations of misconduct or misbehaviour in support of the articles of charge, (c) a list of documents by which the articles of charge are proposed to be sustained (Relied upon documents) and (d) a list of witnesses by whom the articles of charge are proposed to be sustained; and a covering Memorandum requiring the charged official to submit a reply to the charge-sheet within a specified time.

- (d) However, if the disciplinary action proposed is for imposition of a minor penalty, the charge-sheet shall comprise only the statement of imputations of misconduct or misbehaviour, and a covering Memorandum requiring the charged official to submit a reply to the charge-sheet within a specified time.
- (e) The charged official shall be required to acknowledge receipt of the charge-sheet.

3. Inspection of documents:

It should be ensured that the charged official is afforded reasonable opportunity to inspect the relied-upon documents and also the additional documents which, after considering the request of the charged official, have been permitted by the Inquiry Officer. However, the Disciplinary Authority may, for reasons to be recorded by it in writing, refuse permission to inspect any of the additional documents which in its opinion would be against the public interest or security of the State to allow the charged official access

thereto. Copies of statements, if any, of the relied-upon witnesses, should also be supplied to the charged official if asked for by him.

4. **Reply to Chargesheet :**

The Disciplinary Authority should ensure that :

- (i) the charged official is allowed the prescribed time limit to reply to the chargesheet and that the charged official does not unduly delay his reply; and
- (ii) the intimation of nomination of defence counsel has been received from the charged official within twenty days from the date of appointment of the inquiry authority in the case of a major penalty charge-sheet.

5. **Consideration of and decision on the reply to the charge-sheet:**

- 5.1 It is the duty of the Disciplinary Authority to consider the reply to the charge-sheet submitted by the charged official and place on record the reasons in case of non-acceptance of the defence put forward by the charged official.
- 5.2 In case no reply is received from the charged official within the stipulated time limit, the Disciplinary Authority may take a decision ex-parte.
- 5.3 The course of action to be taken by the Disciplinary Authority will be different in the case of a 'minor penalty charge-sheet' and 'major penalty charge sheet' as indicated below:

(a) **Minor Penalty Charge sheet** - The Disciplinary Authority, after considering the defence statement or without it if, the defence statement is not received in time, should ensure that-

- (i) that he records his findings on each imputation;
- (ii) that he specifically indicates his decision of either exoneration or for imposition of any particular minor penalty;
- (iii) that the CVC is consulted where such consultation is necessary; and
- (iv) that an oral inquiry is held in case it is proposed to impose a minor penalty of the nature described in Rule 11 (2) of the Railway Servants (Discipline & Appeal) Rules, 1968.

(b) **Major Penalty Charge sheet - The Disciplinary Authority, after considering the defence statement or without it if the defence statement is not received in time, shall ensure -**

- (i) that where all the articles of charge have been admitted by the Railway servant in his written statement of defence, record its findings on each charge, after taking such further evidence as it may think fit and shall act in the manner laid down in Rule 10 of the Railway Servants (Discipline & Appeal) Rules, 1968.
- (ii) that, where the charged official has denied the charges or has admitted the charges with qualification, he passes speaking orders as to whether the case should be remitted for oral inquiry or whether the charged official should be

exonerated or should be given a minor penalty not attracting the provision of sub-rule (2) of Rule 11 of Railway Servants (D&A) Rules, 1968.

- (iii) that, where the charged official has not submitted his defence statement within the specified time, he passes orders for remitting the case for an oral inquiry.
- (iv) that, if an oral inquiry is ordered, the Inquiry Officer (or the Board of Enquiry) and the Presenting Officer where necessary are appointed.
- (v) that specific orders are passed if common proceedings or simultaneous proceedings are desired if two or more officers have been charged in the same case.
- (vi) that the CVC and UPSC are consulted where such consultation is necessary, and
- (vii) that, intimation of the proposed oral inquiry is given to the charged official and alongwith the relevant documents to the Inquiry Official and the Presenting Officer.

6. Action after Inquiry Report:

- (i) On receipt of Inquiry Officer's report, the disciplinary authority will process the case for obtaining CVC's 2nd stage advice, charged official's representation, if any, on the IO's report and the points of disagreement with the IO's finding, etc. in accordance with the procedure laid down in para 819 of the vigilance manual.
- (ii) After receipt of the representation of the charged official on

the IO's report or after expiry of the time allowed to him for submission of representation, whichever is later, the Disciplinary Authority should carefully examine the IO's Report and record his findings on each article of charge.

- (iii) Pass speaking orders giving his decision, i.e. for imposing one of the statutory penalties or exoneration, based on the evidence adduced in the inquiry.
- (iv) Ensure consultation with the CVC and UPSC where such consultation is necessary.
- (v) Issue the punishment notice to the charged official along with a statement of the findings of the Disciplinary Authority on each article of charge in accordance with Rule 10(5) of the RS (D&A) Rules 1968.
- (vi) Supply the accused Railway Servant with a copy of the advice, if any, given by the UPSC and (where the Disciplinary Authority has not accepted the advice of the UPSC) with a brief statement of reasons for non-acceptance.
- (vii) Issue copy of the punishment notice to the authority concerned for implementation.
Ensure that the punishment orders take effect from the date of issue of the punishment notice or the prospective date indicated therein and not from any date earlier than the date of punishment order.

7. Appeals :

The following are important guidelines and instructions on

the subject.

- (i) The appeal against the orders of the Disciplinary Authority is required to be submitted within the specified period of limitation.
- (ii) In the case of delayed appeal, any explanation given by the employee for delayed submission is required to be considered by the Appellate Authority.
- (iii) The appeal is required to be presented to the Authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against.
- (iv) The punishing authority should offer remarks on each point raised in the appeal and send the same with connected papers to the appellate authority.
- (v) In the disciplinary cases against non-gazetted officials where any of the penalties listed in sub-rules (iii-b) to (ix) of Rule 6 of the Railway Servants (D&A) Rules, 1968 has been imposed, the appellate authority has the discretion to grant personal hearing if the same is prayed for by the appellant.
- (vi) The appellate authority should ensure :-
 - (a) that there is no violation of the provisions of the Consultation or failure of justice;
 - (b) that the inquiry proceedings are in order; and
 - (c) that the penalty imposed is appropriate or commensurate

Pure manners are filled with grace.

with the gravity of the charge.

- (vii) In case the appellate authority proposes to enhance the penalty after considering the appeal preferred to it, the appellant should be informed of such intention of the appellate authority and given an opportunity of showing cause against the proposed enhancement.
- (viii) In case the appellate authority proposes to enhance the penalty to one of major penalties, or to a minor penalty of the nature described in Rule 11(2) of the Railway Servants (D&A) Rules, 1968 and an oral inquiry had not been held earlier, an oral inquiry should be held.
- (ix) The UPSC should be consulted wherever such consultation is necessary.
- (x) At the appellate stage, consultation with the CVC is not necessary so long as the appellate authority, while modifying the penalty imposed by the Disciplinary Authority on the advice of the CVC, still remains within the parameters of the 'major' or 'minor' penalty earlier advised by the CVC.

(Department of Personnel & Administrative Reforms Confidential O.M. No.118/2/78-AVD I dated 19.02.1979 circulated with Board's Confidential letter No.76/Vig-I/CVC/2/2 dated 20.04.1979).

8. Need for issuing 'Reasoned and Speaking Orders' by Disciplinary/Appellate authority in Discipline and Appeal cases:

While exercising disciplinary powers, the Disciplinary and

If I agree with people who gossip, I could well be the next one they slander.

CASE STUDY

Appellate Authorities etc. perform quasi-judicial functions. Thus, the Disciplinary/Appellate Authorities should ensure that they pass self-contained “speaking and reasoned” orders. In no case, disciplinary orders should be issued in printed forms as these forms militate against the very concept of passing of “reasoned and speaking orders” in disciplinary cases.

(Board's letter No. E(D&A) 2002/RG6-27 dated 24.9.2002)

9. Revision:

If at any time, in terms of Rule 25 of the Railway Servants (Discipline & Appeal) Rules, 1968, the competent Revisionary Authority decides to initiate the process for revision of the punishment imposed by the Disciplinary Authority on a Railway servant, the procedure laid down in the said Rule should be followed.

10. Review:

The authority to review a disciplinary case, with a view to revising the punishment imposed, vests in the President. The process for conducting a Review can be initiated, in terms of Rule 25A of the Railway Servants (Disciplinary & Appeal) Rules, 1968, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case has come or has been brought to notice.

1. Demand and Acceptance of illegal gratification for termination of lease contract.

A complaint was received from a staff against a junior clerk of engineering office who was dealing with lease allotment matters of staff. The complainant alleged that while processing his case for cancellation of the lease accommodation for drawal of House Rent Allowance in his favour the said Junior Clerk demanded illegal gratification from him.

Source information revealed that the said Junior Clerk was dealing with lease matters of staff. The complainant had applied for cancellation of his lease accommodation with effect from September 2009. A decoy check was conducted in January 2010. The said Junior Clerk was caught red handed while demanding and accepting illegal gratification of Rs.1,000/- for processing the cancellation of lease accommodation. A Stiff Major Penalty D&A action has been initiated against the staff.

2. Demand and Acceptance of illegal gratification for issuing electrical clearance.

Allegations of demand and acceptance of illegal gratification by a JE(Elect) to issue electrical vacation memo of a Railway Quarter were dealt by arranging a trap in the office of the concerned JE. The JE, on the day of the check, used one of his subordinates to accept the bribe from the staff seeking

the electrical vacation memo of his quarters. Both JE and his subordinate indulging in the illegal act were caught red handed.

The JE in his clarification on a subsequent date admitted of his demanding illegal gratification to issue the electrical vacation memo. The subordinate staff also admitted his accepting the gratification from the staff at the behest of his supervisor. Stiff Major penalty D&A actions have been prescribed against the JE and his subordinate.

3. Demand and Acceptance of illegal gratification for allotment of berth.

A decoy check was conducted in Train No. 2838, wherein the onboard ticket checking staff demanded Rs.700/- from the decoy. After a bargain, he accepted an amount of Rs600/- as illegal gratification from the decoy to allot two berths in sleeper class, but did not issue any EFT.

The ticket checking staff had further mixed up his railway cash with personal cash. He also did not cooperate with the vigilance official to evade the check and fled away from the scene to dilute the case. A stiff major penalty D&A action has been prescribed against the said staff.

4. Gross irregularity in handing over of inward consignment to consignee :

During a preventive check, it came to notice that the station master had delivered five inward parcel consignments without obtaining signature of the consignee in the delivery

register. He had not also recorded the delivery particulars in the parcel delivery register before effecting delivery, in contravention to Para 956 (b) of IRCM 1992.

The station master was in possession Rs684/- in excess in his personal cash and a shortage of Rs.100/- in railway cash in his possession.

He had further failed to submit vouchers/bills/receipt of expenditure of Rs.1500/- incurred from station imprest from 15.06.09 to 18.07.09. He had not updated the imprest register for the above inference of expenditure.

A major penalty D&A action has been initiated against him.

5. Fraudulent treatment of relatives in railway hospital.

During an investigation, it came to light that a subordinate staff fraudulently treated his mother-in-law in the divisional railway hospital by impersonating his dependent widowed mother. He misled the hospital authorities by submitting false documents in support of the treatment of his mother in law. Apart from recovering the entire bill amount of Rs.3090/- from the erring staff, a major penalty D&A action has been initiated against him.

6. Irregularity in booking of parcels and other irregularities:

During a preventive check, conducted in a parcel office, it was revealed that in a number of consignments, the Parcel Clerk accepted booking of parcels on small pieces of paper

as a substitute of forwarding notes, which were again inappropriately filled, faulty and lacking basic legal requirements for accepting parcel consignment. These notes were either devoid of signature of sender/consigner/his agent or acknowledgement of the parcel clerk, as a token of examining, verifying and weighing the consignment or both, which was in contravention of Para 901 908 of IRCM Vol.I, 1992.

The Parcel Clerk also effected delivery of parcel consignments, without recording the signature of the receivers in the Parcel Delivery Register in contravention of Para 956 (b) of IRCM Vol-I, 1992.

The said parcel staff also failed to maintain newspaper and magazine delivery register. The newspaper and magazine were being taken away by the receiver after being unloaded in the platform, without the knowledge of the on-duty parcel staff. A major penalty D&A action has been initiated against the defaulting CBS.

7. Irregular claiming of TA and NDA by open line squad TTE:

While verifying the daily journal of an open line squad TTE, it was observed that the said TTE purportedly worked continuously day and night without any rest (except one weekly rest). Source information revealed that the said TTE was actually performing duty in certain trains only during day time. It was seen that the said TTE had not issued a single EFT during his shown duties during night time. System

improvement has been suggested to confirm the movement of the open line squad TTEs, by reporting to the Station Master of the concerned Station, after each leg of duty.

8. Tout activities at a PRS counter in co-ordination with the reservation clerk.

During a surprise check at a PRS counter just after the closing time (i.e. after 14.00 hrs on Sunday), it was observed that the ECRC was busy with making reservation for touts, even without collecting the fare against their reservation and collected much more amount against another reservation. Three JCRTS were found with the ECRC, against which he has not collected the fare. Also another one JCRT was found with the ECRC without any claimant against which he had no satisfactory explanation. The concerned ECRC has been taken up under D&A action.

9. Misuse of Privilege pass by railway staff:

An Office Superintendent in one of the divisions was found to have used a privilege pass twice. The reservation clerk, who connived with him, did not endorse the journey/reservation particulars on the pass. Both the OS and the concerned ERC have been taken up under D&A action.

10. Collection of illegal amount by the parcel clerk:

Source information revealed that one parcel delivery clerk was in a habit of collecting Rs.5/- to 10/- from the regular customers for delivery of every package. A surprise check was conducted just one hour after opening of the counter

and an excess of Rs.72/- was detected in the railway cash of the said parcel clerk. The parcel clerk has been taken up under stiff minor penalty D&A action.

11. Irregularity in auction sale delivery:

In a scrap sale of released Bridge Girders, the description was mentioned as Bridge Girders 150 ft. The lot formation was done and it was certified by Accounts Stock Verifier. The Stock Verifier while certifying the lot, defined the quantity as Bridge Girder 150 ft to be sold in (unit) Nos. into several pieces.

Out of the 15 nos. (Spans), two nos. were sold in open auction and SRO was released after receipt of the sold value.

During delivery, a vigilance check was conducted and it was found that though the description was not mentioned as Bridge Girder 150 ft with bearing, the stock holder gave delivery of a part quantity of the bearings. Though the description was not free from ambiguity and was without specific terms for nos. of cut pieces, the stock holder & witnessing authority gave delivery of the Girder along with Bearings. The delivery of the remaining portion of bearings & components was stopped and the case is under investigation.

12. Delay in finalization of Family pension:

During the investigation of a complaint, it came to notice that a case of finalization of family pension has been delayed for

about 12 years. The concerned OS, working since 2001, did not take initiative to regularize the service of a staff though his name was appearing in the Gr. D PCR list circulated by CAO/Con/VSKP. He was screened and found suitable by a committee of three officers on 23.04.1990. Other staff appearing in PCR list and junior to the concerned staff was regularized w.e.f 14.05.1993. The staff died in harness on 07.08.1997. Due to non regularization of service of the staff concerned, his widow was deprived of family pension for 12 years. The defaulting OS was taken up under stiff minor penalty D&A action.

13. Carrying of passengers by TTI without proper ticket:

During a vigilance check, one TTI of this railway was detected carrying 15 passengers with improper tickets in his nominated AC coaches with an ulterior motive. A majority of them were bound from BBS to BAM. He had issued only one EFT within one hour forty minutes from the departure of the train from BBS. The concerned TTI has been taken up under D&A action for the above irregularity.

14. Non detection of unauthorized hoardings at a station:

During a vigilance check at a station, it was detected that huge hoardings of Andhra Pradesh Tourism Development Corporation had been erected unauthorizedly inside the railway premises. Though the fact of illegal erection of hoardings was being observed by the concerned station manager, for more than one year, he failed to take any appropriate action or at least intimate his higher authorities

regarding this. The concerned Commercial Inspector of the section also failed to act on the unauthorized erection of hoardings, although it was in his knowledge also.

The concerned SMR and the Commercial Inspector have been taken up under D&A action.



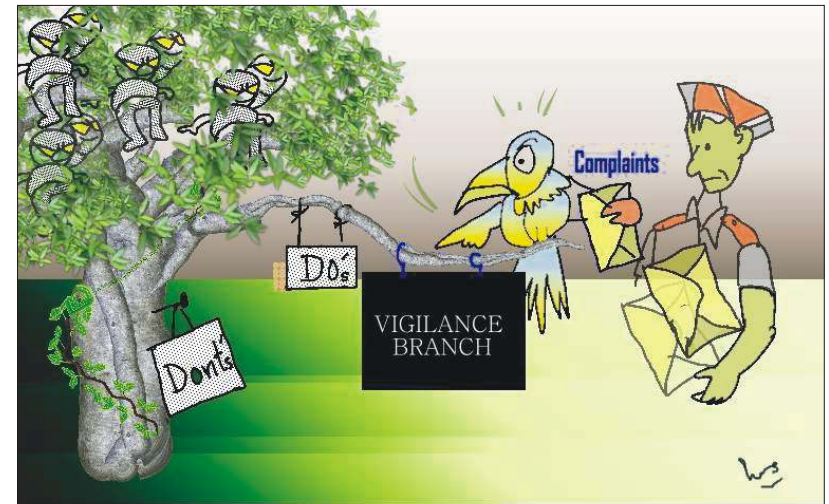
Cartoon by Hansraj Sharma

Remember that all are actors on the stage of life. Play your part with detachment and allow others the freedom to play their own parts.

◆◆◆

A humble person dismisses nothing, recognizing that inside even the smallest thing there is always something great to be learned.

There is always something we can do for others; and doing it will also increase the value of our own life.



Cartoon by Hansraj Sharma

If I have done nothing wrong, and my attitude is well-meaning, a difficult situation is just a test for my ability to remain beyond the judgment of others.

◆◆◆

If wealth is lost, nothing is lost; If health is lost, something is lost; But if character is lost, everything is lost.

◆◆◆

By putting my highest self in charge, useless and negative thoughts are removed and annoying habits ended.

When the storms of change and inconstancy are swirling all around me, let me go to my inner core of stillness and stability.



Swami Viswatmananda of Ramkrishna Mission, Arunachal Pradesh and Brahma Kumari Durgesh Nandini addressing a Workshop on "Human Excellence through Emotional well being"



Sri A. K. Vohra, General Manager, E.Co.Railway addressing the workshop on "Ethics & Leadership" organized by Vigilance Organization on 18.01.2010

We have the habit of looking outside the self to satisfy our inner needs. Such satisfaction is only temporary.



Sri A. K. Vohra, General Manager / E.Co.Railway addressing a Workshop & releasing 'PRAHARI' a monthly bulletin by Vigilance Organisation

Enthusiasm is a great power. Those with it can never be disheartened because it simplifies all difficulties.