

VIGILANCE ORDINANCE FOR DIBRUGARH UNIVERSITY

(As approved by the Executive Council, D.U. in its 32nd Meeting held on 20-12-2013 vide Resolution No)

1. **Title:** This Ordinance shall be called “**Vigilance Ordinance for Dibrugarh University**”
2. **Commencement:** The Ordinance shall be effective from date of approval and adoption by the Executive Council, Dibrugarh University.
3. **Application:** The Ordinance shall be applicable to all the members of the University.
4. **Purpose and Scope:** With a view to strengthening vigilance for prevention of corruption, Dibrugarh University has decided to entrust such vigilance activities to the Vigilance Wing to be headed by the Vigilance Officer and lay down the powers and functions in succeeding paragraphs.

The Vigilance Ordinance is promulgated with an intention to maintain transparency and integrity in the governance of the University thereby increasing the efficiency as well as productivity through various preventive measures relating to corruption.

However, the constitution and allocation of powers and responsibilities to the Vigilance Officer and the Vigilance Wing does not take away the power of the appropriate authority and administration to take cognizance or proceed with disciplinary proceedings involving matters covered by the respective ordinances and rules of the University.

5. **Definition:**
 - (i) “**Academic staff**” includes any person in the service of the University who is appointed as a teacher, researcher, research officer, whether full time, temporary, ad-hoc, part time and on contract basis.

- (ii) **“Non-Teaching staff”** includes officers and employee of the University who is not appointed as a teacher, researcher, research officer, and includes full-time, temporary, ad-hoc, part time, daily wager.
- (iii) **“Members”** of the University mean and include Academic and Non- Teaching Staff of Dibrugarh University.
- (iv) **“Corruption”** means improper and usually unlawful conduct inconsistent with official duty and the rights of others intending to secure a benefit for oneself or another. Its form includes gratification, bribery, extortion and any other forms of corruption as per the Prevention of Corruption Act, 1988.
- (v) **“Complaints”** means receipt of information about corruption and malpractice on the part of the members of the University.
- (vi) **“Gratification”** is not restricted only to pecuniary gratifications or to gratification estimable in terms of money.

6. Term of Office and Conditions of Service

(a) Appointing Committee

- (i) The Vice Chancellor shall constitute a Committee for appointing the Vigilance Officer which shall be notified by the Registrar.
 - (ii) The Vigilance Officer shall be appointed by the Vice Chancellor on the recommendation of the Committee consisting of :-
 - 1) The Vice-Chancellor, who shall be the Chairperson of the Committee,
 - 2) The Registrar, who shall be the Member Secretary of the Committee,
 - 3) Two Senior Professors of the University, where one shall be a woman,
 - 4) One Officer not below the rank of the Deputy Registrar,
 - 5) The Public Information cum Law Officer, who shall act as the Convener of the Committee.
 - (iii) The Vigilance Officer shall be appointed from the academic staff not below the rank of Professor, who should be a person of integrity.
- (b) The Vigilance Officer shall hold the post for a term of three years or until further order from the date of notification.

- (c) The Vigilance Officer may at any time, by writing under his/her hand addressed to the Vice-Chancellor, resign from his/her office giving one month notice.
- (d) The position shall be Honorary and the Vigilance Officer shall carry out the functions assigned as per this Ordinance besides his/her normal duties and responsibilities.

7. Constitution of a Vigilance Wing

- (i) The Registrar shall on approval of the Vice-Chancellor, by notification, constitute a Vigilance Wing comprising of two representatives of the teaching community, one representative each from the officers, employees and bonafide post-graduate student of the University to be chosen and notified from time to time.

(▲ To have a judicious representation from the all the stake holders of the University and to make Vigilance effective)

- (ii) The term of the representatives will be three years or until further order, whichever is earlier excepting the student representative whose term shall be for one year or until the end of the regular course, whichever is earlier.
- (iii) The Vigilance Officer shall convene meetings of the Vigilance Wing for discussion and suggestions for the future course of Vigilance Activities to be undertaken depending upon the matters relating to corruption.

8. Sources of Complaint

Information about corruption or malpractice on the part of members of the University shall be received by the Vigilance Officer from any of the following sources:

- (a) Written complaints received from the members, regular Post Graduate students of the University and from the general public;
- (b) Departmental inspection reports and stock verification surveys;
- (c) Reports of irregularities in accounts detected in the routine audit of accounts; such as tampering with records, over-payments, misappropriation of money or materials etc;

- (d) Report of the Monitoring Committee regarding any type of complaints relating to any construction activities undertaken by the P & C Branch, Dibrugarh University;
- (e) In addition, the Vigilance Officer concerned may also devise and adopt such methods, as considered appropriate and fruitful as per the nature of work handled in the University, for collecting information on matters relating to corruption, with the approval of the Wing.

9. Vigilance Angle

Vigilance angle is obvious in the following acts:

- (i) Demanding or accepting gratification other than legal remuneration in respect of an official act or for using his/her influence with any other official matter;
- (ii) Obtaining valuable things, without consideration or with inadequate consideration from a person with whom he/she has or is likely to have official dealings or his/her subordinates have official dealings or where he/she can exert influence;
- (iii) Obtaining for himself / herself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his/her position as a member of the University;
- (iv) Possession of assets disproportionate to his/her known sources of income.
- (v) Cases of misappropriation and forgery committed with an intention to corruption;
- (vi) Gross or wilful negligence; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible public interest is evident, failure to keep the controlling authority / superiors informed in time.
- (vii) Irregularities noticed in tendering processes and awarding contracts;
- (viii) Inordinate delay in clearing pending bills without any justifiable cause;
- (ix) Anomalies in Stores & Purchase.

Explanation: Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not liable to face the consequences of his/her actions. All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the concerned Ordinances of the University.

10. Powers and Functions of Vigilance Officer:

The Vigilance Officer heads the Vigilance Wing of the University. Vigilance functions to be performed by the Vigilance Officer include:

- (i) Collecting information about the corrupt practices committed, or likely to be committed by the members of the University;
- (ii) Investigating or causing an investigation to be made into verifiable allegations reported to him/her; processing investigation reports for further consideration of the disciplinary authority concerned;
- (iii) To receive complaints from all sources and scrutinise them with a view to find out if the allegations involve a vigilance angle. Any complaint which prima facie appears to be vexatious and frivolous, the Vigilance Officer shall reject the same through a written communication citing the reason thereof;
- (iv) To investigate or cause an investigation to be made into such specific and verifiable allegations involving vigilance angle;
- (v) To investigate or cause an investigation to be made into the allegations of corruption forwarded to him/her by the Vice-Chancellor/Registrar or by the Statutory bodies of the University;
- (vi) To process the investigation reports expeditiously for obtaining orders of the competent authorities about further course of action to be taken;
- (vii) The vigilance Officer and Vigilance Wing shall inspect and ensure that the construction works of the University are strictly in conformity with the approved norms and specification.

11. Preventive Vigilance

The Vigilance Officer shall take following measures on preventive vigilance:

- (i) To undertake a study of existing procedure and practices prevailing in the University with a view to modifying those procedures or practices which provide a scope for corruption, and also to find out the causes of delay, the points at which delay occurs and initiation of suitable steps to avoid delays at different stages and suggest remedial measures to the University authority;
- (ii) To ensure that the organisation has put into records important items such as purchases, contracts, construction etc. and that these recorded data is updated from time to time.

12. Surveillance and Detection

- (i) The Vigilance Officer shall conduct regular inspections in the sensitive areas in order to detect if there have been instances of corrupt practice by the members of the University. At the time of visit/inspection, the Vigilance Officer shall intimate the concerned member in writing regarding the intent and nature of the inspection;
- (ii) The Vigilance Officer shall arrange meetings with the Vice-Chancellor for reviewing the vigilance work done in the University from time to time;
- (iii) The Vigilance Wing shall ensure that the reports on the matter under the purview of the vigilance ordinance are furnished to the Vice-Chancellor within a reasonable time frame.

13. Preliminary Investigation

After it has been decided that the allegations are to be investigated, the Vigilance Officer shall proceed to make a preliminary inquiry/investigation with a view to determine whether there is, prima facie, some substance in the allegations or not. The preliminary inquiry may be made in several ways depending upon the nature of allegations and the judgment of the Vigilance Officer, for e.g.:

- (a) If the allegations contain information which can be verified from any document or file or any other departmental records, the vigilance officer shall be provided full access to such documents. The Vigilance Officer shall, without loss of time, secure such records, etc., for personal inspection. During the investigation if certain documents or file of documents are required to be kept in custody of the Vigilance Officer for free and fair investigation, the Vigilance Officer shall obtain written permission of the competent authority. In case where the Vigilance Officer cannot be provided access to certain documents, the authority shall inform the Vigilance Officer in writing. If any documents in question are required for any purpose of investigation, the Vigilance Officer may take authenticated copies of the relevant portions of the records;
- (b) In case, where the alleged facts are likely to be known to other employees of the department, the Vigilance officer shall question them orally or ask for their written statements. The investigating officer shall make a full record of the oral deposition which the person questioned shall be asked to sign. Wherever necessary, any important facts disclosed during oral deposition or in written statements shall be verified by documentary or corroborated to ascertain the facts;
- (c) In certain types of complaints, particularly those pertaining to works of the Planning & Construction Branch, the Vigilance Officer shall make a site inspection, or a surprise check, to verify the facts on the spot and also to take suitable action to ensure that the evidence found there, in support of the allegations, is not affected. The Vigilance Officer may also take assistance of the Construction Monitoring Committee for preliminary investigation;
- (d) During the course of preliminary investigation, the members of the University concerned shall be given an opportunity to respond to the allegations leveled against him/her. In the absence of any satisfactory explanation in his/her defence and prima facie evidence in support of the allegations, the members of the University concerned are likely to be proceeded against as per rule;
- (e) Notwithstanding anything contained herein above, the Vigilance Officer shall take assistance of the Vigilance Wing; as and when necessary, in conduct of the proceedings.

14. Submission of Report

On completion of the investigation process, the Vigilance Officer conducting the enquiry or through a duly constituted Committee would prepare a self-contained report including the materials/documents available. The fact that an opportunity was given to the concerned member should be mentioned in the investigation report even if the member did not avail it. The vigilance officer shall retain all the relevant documents in his/her custody for future reference.

The Vigilance Officer shall submit the report to the proper disciplinary authority, to be pursued as per rule.

15. Interpretation:

- (i) In matters relating to interpretation of these Rules and in the process of its execution, the decision of the Executive Council shall be final unless otherwise, specifically included in these rules.
- (ii) Notwithstanding anything contained in these rules, the Executive Council shall have the power to alter or modify and interpret any of the provisions of these rules.

16. Removal of Difficulty:

If any difficulty arises in the implementation or operation of any of the provision of these Rules, the Vice Chancellor may, from time to time, issue with the approval of the Executive Council, such general or special directions but not inconsistent with the provisions of these Rules, which appeared to be necessary for the purpose of removing such difficulty for furtherance of the objectives of preventing corruption and taking adequate steps to maintain the transparency and integrity in the University.