

Government of Himachal Pradesh
Department of Home-Vigilance

No.Per(Vig.)A(4)-2/99

Dated, Shimla-2, the 15-11-2006

NOTIFICATION

Whereas the Government of Himachal Pradesh has decided to merge the existing Vigilance and Enforcement Departments into one Department with its headquarters at Shimla to be headed by an officer of the rank of Director General of Police/Addl. Director General of Police.

Now, therefore, the Governor, Himachal Pradesh is pleased to establish, with immediate effect, a new Department namely 'The State Vigilance and Anti-Corruption Bureau' which will be headed by the officer of the rank of Director General of Police/Addl. Director General of Police with its headquarters at Shimla. The functions of 'The State Vigilance and Anti-Corruption Bureau' will be to enquire/investigate into important matters/cases relating to corruption and economic offences including cases under the I.P.C., the Prevention of Corruption Act, 1988, the H.P. Prevention of Specific Corrupt Practices Act, 1983, Essential Commodities Act, Motor Vehicle Act, Indian Forests Act, Punjab Excise Act, H.P. Forest(Sales of Timber)Act and Central Sales Tax Act.

The detailed scheme with regard to the organizational structure and the functions/duties of 'The State Vigilance and Anti-Corruption Bureau' is appended herewith.

BY ORDER

S. Vijay Kumar


Pr. Secretary(Home/Vig.) to the
Government of Himachal Pradesh.

Endst.No.:- Per(Vig.)A(4)-2/99

Dated, Shimla-2, the 15-11-2006

Copy for information is forwarded to:-

1. The Chief Secretaries of all State Governments in India.
2. All Pr. Secretaries/Secretaries to the Government of Himachal Pradesh.
3. The Director General of Police, Himachal Pradesh.
4. The Addl. Director General of Police, Vigilance/Enforcement, H. P., Shimla-2.
5. All Heads of Departments in Himachal Pradesh.
6. All Managing Directors of Boards/Corporations in Himachal Pradesh.
7. All Divl./Deputy Commissioners in Himachal Pradesh.
8. The Controller, Printing & Stationery Department, Shimla-5 for publishing the same in the Official Gazette.


Under Secretary(Home/Vig.) to the
Government of Himachal Pradesh.

SCHEME FOR "STATE VIGILANCE AND ANTI CORRUPTION BUREAU" IN THE STATE OF HIMACHAL PRADESH.

Consequent upon the unification of Vigilance and Enforcement Department into new organization named as "The State Vigilance and Anti-corruption Bureau (SVAB)", the work of the organization will now be carried out in accordance with the following scheme, in supersession of all other previous schemes formulated and circulated earlier.

1. Concept of merger.

The merger is not a merely an exercise in arithmetic; a totaling of the sanctioned strength and resources of two Wings. It will ensure that intrinsic and mandate of the two Wings is preserved. Equally important new organization will improve from its predecessors in term of professionalism and efficiency. This would imply an improvement in the quantity and quality of output, prosecution and conviction etc. and will also address their inherent weakness. Hence, a few structural changes have been made in the organizational structure. The staff in the new organization will be deployed by the DG/ADG(Vig.) as proposed by him vide letter No.15691 dated 16-10-2006.

2. State Vigilance Committee.

The constitution, objectives and functions of the Committee will be the same as circulated vide this Department notification No.Per(Vig.)D(5)-2/85 dated 3.4.1987 amended on 2.6.2000 and 14.6.2006. However, due to the merger of the Enforcement Department, the ADGP(Enforcement) will be deemed to have been deleted as a member of the Committee.

3. The State Vigilance and Anti-Corruption Bureau.

The State Vigilance and Anti-Corruption Bureau in the State will have following wings:-

- (i) Secretariat Wing.
- (ii) Investigating Wing.
- (iii) Inquiring Wing.

(i).Secretariat Wing:- This Wing will be headed by the Pr.Secretary/Secretary (Home/Vig.) and the Chief Minister or any other Minister given the charge of the Vigilance as the Minister-in-Charge. The Director Vigilance will also function as ex-officio Secretary. The Director of Vigilance will be overall administratively incharge of the State Vigilance and Anti-Corruption Bureau.

(ii). Investigating Wing:-

(a). Investigating Unit:- The new Organization will be headed by a Police Officer of the rank of DG/ADG who will be assisted by 2 IGs/DIGs at HQ. The Investigating wing will be comprised of 12 Police Stations(Anti-Corruption Units) one at each District Headquarter and the Special Investigation Unit at the state HQ. For this

purpose, the two existing Police posts of Keylong and Reckong Peo will be upgraded to be headed by Dy.S.P. Each Police Station will have separate staff to deal with anti-corruption and economic offences. The Districts of the State have been divided into three ranges instead of present two (SR and NR) by creating a new Central Range. Each range will be headed by an S.P. For administrative purposes, the 3 ranges have been placed under the charge of the 2 IGs/DIGs at Headquarter but the operational control would be based on subject matter. The SPs would send all cases and enquiries pertaining to economic offences to one IG/DIG and those relating to anti-corruption to the other. The organizational structure will be as per Appendix-I.

(b). Prosecution/Legal Unit:- This unit will consist of Law Officers who will prosecute cases in court and tender legal advice to the I.Os., Range SPs., IGs/DIGs and DG/ADG. At HQ two Joint Directors will tender legal advice to 2 IGs/DIG. One DA and one Dy.DA/ADA will look after the prosecution cases in each range. They will prosecute cases in the Court of Sessions Judge as cases in the Courts of JMICS will be prosecuted by the District APPs and tender advice to the range SPs and IOs. and will be under the administrative control of respective JDs at HQ. The organizational structure will be as per Appendix- II.

(c). Special Investigation Unit:- This unit at the State HQ will be headed by a SP, and will investigate such cases/enquiries to which priority has been assigned by the DGP/ADG or the State Government or which involve investigations in several districts/ranges or at the discretion of the Government/DGP/ADG. This unit will also investigate all such cases/enquiries entrusted to the Bureau on the direction of courts. The SIU will be a proactive Cell, also functioning as a flying squad.

(d). Technical Unit:- Technical unit will consist of officers from other departments and will render technical advice and assistance in the investigation of cases and enquiries and will be stationed at HQ under supervisory charge of SP SIU. Need based technical assistance will be obtained from a Department at any point of time. This wing will now consist of one Range officer, 1 Naib Tehsildar, 3 Junior Engineers(new posts) and 1 Accounts Officer who will look after the accounts work at HQ and also render technical need based guidance in cases and enquiries.

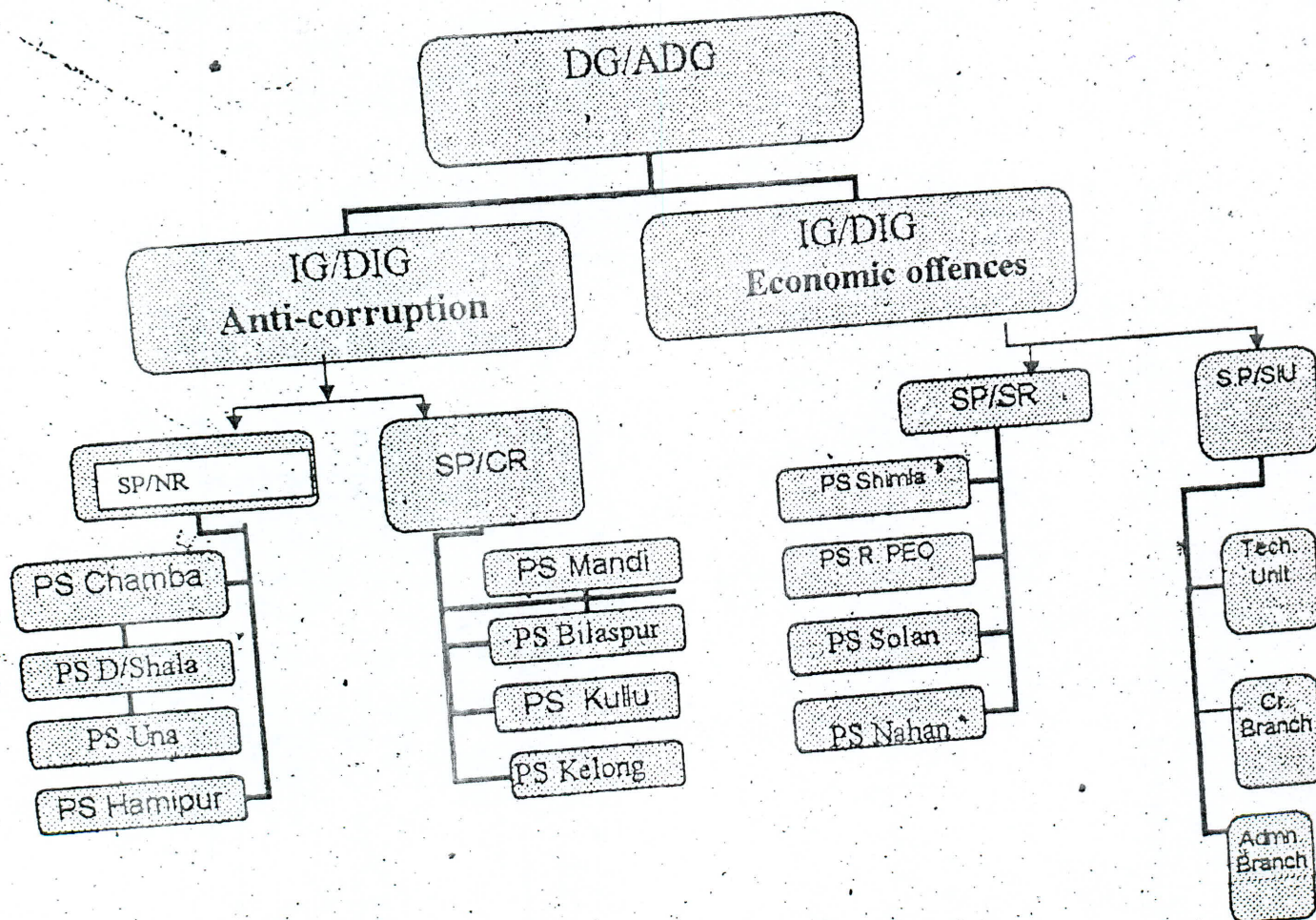
(iii). Inquiring Wing.

The Inquiring Wing of the State Vigilance and Anti-Corruption Bureau consists of the Commissioner, Departmental Enquiries, H.P. He conducts oral enquiries under CCS (CCA) Rules, 1965 against GOs/NGOs. He may also be entrusted with oral enquiries under other disciplinary rules e.g. under AIS(Discipline and Appeal) Rules, 1969. One Public Prosecutor (DA) is permanently attached to the CDE for departmental enquiries to present the cases on behalf of the disciplinary authorities.

4. Functions/duties of the State Vigilance and Anti-Corruption Bureau.

The State Vigilance and Anti-Corruption Bureau will enquire into the matters under and also to investigate the cases relating to corruption and economic offences including the cases under I.P.C., Prevention of Corruption Act, 1988, H.P. Prevention of Specific Corrupt Practices Act, 1983, Essential Commodities Act, Narcotics Drugs and Psychotropic Substances Act, 1985, Motor Vehicle Act, 1988, The Indian Forests Act, 1927, The Punjab Excise Act, 1914 as applicable in HP., The H.P. Forest(Sales of Timber) Act, 1968, Central Sales Tax Act, 1956, The Wild Life Protection Act, 1972. The Bureau will enquire/investigate into complaints/cases against Non-Gazetted Officers at its own level but the complaints/cases against the Gazetted Officers will be enquired/investigated by it with prior approval of the Government as per provisions of para 4 of Chapter II of Vigilance Manual. Besides, the Government may assign to it other enquiries from time to time. The Bureau will furnish reports, when called for, to the Government for issuance of vigilance clearance certificates in favour of officers/officials of the respective Departments.

INVESTIGATING WING of the SVAB



Legal Wing of the SVAB

