

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:4277
ANSWERED ON:02.05.2012
NON-COMPLIANCE OF CVC ADVISES
Patel Shri Bal Kumar

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) whether the Central Vigilance Commission (CVC) has expressed its concern and displeasure on Ministries/ Departments for not taking serious note on cases of non-compliance/non-consultation/ non-acceptance of the Commission's advice;
- (b) if so, the action proposed to be taken against the Ministries/Departments for their non-compliance/non-acceptance of the Commission's advice;
- (c) whether the Ministries/Departments are taking the Commission lightly;
- (d) if so, the reaction of the Government thereto;
- (e) whether the Government proposes to come forward with a legislation to provide more teeth to the Commission; and
- (f) if so, the details thereof and if not, the reasons therefor?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.
(SHRIV. NARAYANASAMY)

(a): The Central Vigilance Commission has informed that the Commission has noted with satisfaction that in a majority of cases, where the officials involved are covered under its advisory jurisdiction, the authorities concerned have accepted the Commission's advice and acted in accordance with them. However, it remains a matter of concern that in some cases, where the officers were covered under its jurisdiction, either the consultation mechanism with the Commission was not adhered to or the authorities concerned did not accept the Commission's advice. The Commission reports such deviations in its Annual Report.

(b): In disciplinary matters, the final decision for imposition of a penalty vests with the Disciplinary Authority concerned. The Disciplinary Authority is required to pass speaking orders after due application of mind and after taking into account all facts and circumstances of the case including the advice of the CVC and record reasons for disagreement, if any. However, cases of difference of opinion between the disciplinary authority and the CVC in disciplinary matters relating to officers of All India Services and all Group A Central Civil Services including those under the Ministry of Railways are required to be submitted to the Prime Minister for resolution. The decision taken in the matter is conveyed to the Disciplinary Authority for further action under the relevant disciplinary rules.

(c): No, Madam.

(d): Does not arise.

(e): No, Madam.

(f): Does not arise.