

## 15. LEVERAGING TECHNOLOGY

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## 15. LEVERAGING TECHNOLOGY

- (a) Improving vigilance administration by leveraging technology: Increasing transparency through effective use of websites in discharge of regulatory, enforcement and other functions of Govt. Authorized.

The Commission has been receiving a large number of complaints about inordinate delays and arbitrariness in the processing and issue of licenses, permissions, recognitions, various types of clearances, no objection certificates, etc., by various Govt. authorized Majority of these complaints pertain to delays and non- adherence to the 'first-come-first-served' principle. In a number of cases, there are complaints of ambiguities regarding the documents and information sought for the grant of such licenses, permissions, clearances, etc. There is also a tendency in some authorized to raise piece-meal/questionable queries on applications, often leading to the allegations of corruption. In order to reduce the scope for corruption, there is a need to bring about greater transparency and accountability in the discharge of regulatory, enforcement and other public dealings of the Govt. authorized

2. Improvement in vigilance administration can be possible only when systems improvements are made to prevent the possibilities of corruption. In order to achieve the desired transparency and curb the malpractices mentioned above, the Central Vigilance Commission, in exercise of the powers conferred on it under Section 8(1)(h) of the CVC Act, 2003, issues the following instructions for compliance by all Govt. departments authorized / agencies over which the Commission has jurisdiction:-

- i) All Govt. authorized discharging regulatory/enforcement functions or service delivery of any kind, which cause interface with the general public/private businesses, etc., shall provide complete information on their websites regarding the laws, rules and

procedures governing the issue of licenses, permissions, clearances, etc. An illustrative list is given in the annexure. Each Ministry should prepare an exhaustive list of such applications/matters and submit a copy of same to the Commission for record and web-monitoring.

ii) All application forms/proformas should be made available on the websites in a downloadable form. If the authorized concerned wishes to charge for the application form downloaded from the computer, the same may be done at the time of the submission of the application forms.

iii) All documents to be enclosed or information to be provided by the applicant should be clearly explained on the websites and should also form part of the application forms.

iv) As far as possible, arrangements should be put in place so that immediately after the receipt of the application, the applicant is informed about the deficiencies, if any, in the documents/information submitted.

v) Repeated queries in a piece-meal manner should be viewed as a misconduct having vigilance angle.

vi) All authorized concerned should give adequate publicity about these facilities in the newspapers and such advertisements must give the website addresses of the authorized concerned.

3. In the second stage, the status of individual applications/matters should be made available on the authorized website and should be updated from time-to-time so that the applicants remain duly informed about the status of their applications.

4. In addition to the manual receipt of applications, all authorized should examine the feasibility of online receipt of applications and, wherever feasible, a timeframe for introducing the facility should be worked out. As a large number of Govt. authorized are opting for e-governance, they may consider integrating the above mentioned measures into their business processes so that duplication is avoided.

5. Instructions at para-2 above shall take effect from 1<sup>st</sup> January, 2007, and instructions at para-3 shall become effective from 1<sup>st</sup> April, 2007. All Heads of Organisations/ Deptts. Are advised to get personally involved in the implementation of these important preventive vigilance measures. They should arrange close monitoring of the progress in order to ensure that the required information is placed on the website in a user-friendly manner before the expiry of the abovementioned deadlines. They should later ensure that the information is updated regularly.

Illustrative list

**1. Land & Building Related Issues**

i) Applications for mutation; conversion from leasehold to freehold of lands & buildings; approval of building plans by municipal authorities and landowning/regulating agencies like MCD; DDA; NDMC; L&DO and similar agencies in other UTs.

(ii) Application for registration deeds by Sub-Registrars/Registrars and other applications connected with land record management.

(iii) Application for allotment of land/flats, etc., by urban development agencies like Delhi Development Authority.

**2. Contracts & Procurement.**

(i) Applications for registration of contractors/suppliers/ consultants/ vendors, etc.

(ii) Status of all bill payments to contractors/suppliers, etc.

**2. Transport Sector**

Issue of driving licenses, registration of vehicles, fitness certificates, release of impounded vehicles etc. by RTAs.

**4. Environment & Pollution Related Matters**

Issue of environment and pollution clearances for setting up industries and other projects by Min. of Environment & Forests; Pollution Control Organizations, etc.

**5. Food & Hotel Industry**

Applications connected with clearances, licenses for food industry/hotels/ restaurants, etc.

**6. Ministry of Labour/Ministry of Overseas Indian Affairs.**

(a) Applications by beneficiaries and employers in connection with EPFO; ESI etc.

Applications by recruiting/placement agencies and individuals submitted to Protectorate General of Emigrants and the concerned Ministry.

Other applications connected with regulatory/enforcement systems of Labour Ministry.

7. CBDT & Income Tax Deptt.
  - (b) Application for PAN.
  - (ii) Applications submitted by NGOs for exemption from Income Tax.
  - (iii) Applications submitted for issue of certificates/income tax clearance for immigration/ public contracts or any other purposes.
  - (iv) Application for appointment of legal counsels/any other professionals.
8. Customs & Central Excise & DGFT Applications/cases of Duty  
Drawback & other export incentives.
9. Telecom (BSNL & MTNL)  
Applications for establishing STD booths, etc.
10. Petroleum Sector  
Applications for allotment of petrol pumps/gas stations.
11. Ministry of External Affairs
  - (i) Applications for issue of passports.
  - (ii) Applications for issue of visas by Indian Embassies abroad.
12. Ministry of Home Affairs
  - (i) Applications submitted to FRRO.
  - (ii) Applications connected with FCRA.
13. Ministry of Health  
Applications for recognition by Medical Council of India and similar other regulatory bodies.
14. Education
  - i) Applications for accreditation handled by bodies like AICTE & others.
  - (ii) Applications for recognition of schools by Director of Education etc.
  - (iii) Grant of E.C. by Director of Education.

15. Agriculture, Dairying & Fisheries

- (i) Various clearances/licenses, e.g. Clearance for operating fishing vessels.
- (ii) Quarantine related applications.

16. Ministry of Social Justice/Tribal Affairs.

Applications for sanction of funds to NGOs.

(No.006/VGL/117 Dated the 22<sup>nd</sup> Nov, 2006)

(b) Improving Vigilance Administration By Leveraging Technology: Increasing Transparency Through Effective Use of Website.

Please refer to Commission's Circular no. 40/11/06 dated 22/11/2006 on the aforementioned subject & also Circular No. 13/3/05 dated 16/03/2005 & Circular No. 46/7/05 dated 28/7/2005 regarding details of award of tenders/contracts publishing on Websites/Bulletin.

2. The Commission vide circulars dated 16/3/05 & 28/7/05 had directed all organizations to post on their web-sites a summary, every month, of all the contracts/purchases made above the threshold value covering at least 60% of the transactions every month. A compliance report in this regard was to be submitted to the Commission by the CVOs through their monthly report to the Commission. However, it is seen that some of the departments have neither intimated the Commission about the threshold value decided for posting the details of tenders awarded on the web-sites, nor a compliance report is being sent through the monthly reports.

3. Further, vide circular dated 22/11/06, the Commission while emphasizing the need to leverage technology, as an effective tool in vigilance administration, in discharge of regulatory, enforcement and other functions had directed the organizations to upload on their websites, information in respect of the rules and procedures governing the issue of licenses/permissions etc. and to make available all the application forms on the websites in a downloadable form besides, making available the status of individual application on the organization's website. The Commission had directed the organizations to implement its guidelines in two phases. The first phase relating to the posting of all application forms on the website was to be implemented by 1/1/2007 and the second phase, by 1/4/2007. Although, the date for implementation of second phase has passed by, the departments are yet to intimate the Commission about the status of implementation of the two phases.

4. The Commission, therefore, while reiterating its aforementioned instructions directs the CVOs to convey to the Commission the following information latest by 30/4/07:-

- a) The threshold value decided by the organization for publishing on their web-site, details of award of tenders/contracts;

- b) The extent to which the details of awarded tenders are being posted on the web-site and whether the web-sites are being updated regularly or not;
- c) Whether first/second phase of the Commission's circular dated 22/11/06 has been implemented or not;
- d) If not, the reasons thereof: steps being taken by the organization to ensure implementation of the Commission's circular and the exact date by which both the phases as mentioned in the Commission's circular would be fully implemented;

(CVC circular No. 006/VGL/117 Dated 18<sup>th</sup> Apr 2007)

- ( C ) Leveraging of Technology for improving vigilance administration in the National E- Governance Plan.

The Commission observes that e-procurement software, security and implementation is a new area and needs improvement. E-procurement provides a platform for the collaborative procurement of goods, works and services using electronic methods at every stage of the procurement process. The e-procurement platform transacts confidential procurement data and is exposed to several security threats. Department of information Technology could be best placed to address issues relating to e- procurement. In order to ensure proper security of the e-procurement system all Departments/Organizations are advised to get their system certified by Department of Information Technology.

(CVC Circular No.23/06/10 issued vide letter No.010/VGL/035 Dated 23<sup>rd</sup> June 2010)