



भारत सरकार GOVERNMENT OF INDIA
सीमा शुल्क आयुक्त COMMISSIONER OF CUSTOMS
केंद्रीय वित्त मंत्रालय MINISTRY OF FINANCE
राजस्व विभाग DEPARTMENT OF REVENUE
केन्द्रीय अप्रत्यक्ष कर और सीमा शुल्क बोर्ड
सीमा शुल्क आयुक्त का कार्यालय
OFFICE OF THE COMMISSIONER OF CUSTOMS
सीमा शुल्क गृह, विलिंग्डन आईलैंड, कोच्चिन
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Kochi, the 01, January 2019.

VIGILANCE STANDING ORDER:

Subject: Standard Operating Procedure for upkeep of relied upon documents (RUDs) in Disciplinary proceedings

Reference is made to the Board Circular F.No.C-11016/19/2010-Ad.V dated 17.12.2018 on the captioned subject (copy enclosed), wherein 'Standard Operating procedure' for upkeep of relied Upon Documents in Disciplinary proceedings are laid down.

2. It is hereby directed that the above directions may be noted for strict compliance.

Sumit Kumar
01/02/19

(सुमित कुमार SUMIT KUMAR)

सीमा शुल्क आयुक्त
COMMISSIONER OF CUSTOMS

To

The Assistant Commissioner of Customs (Vigilance)
Custom House, Cochin-09.

Copy to:

1. Commissioner's File
2. Joint Commissioner's File

*Supt EDI
Please put it up on
website
01/02/19*



सतर्कता महानिदेशालय, दक्षिण आंचलिक इकाई
DIRECTORATE GENERAL OF VIGILANCE, SOUTH ZONE
अप्रत्यक्ष कर एवं सीमा शुल्क
INDIRECT TAXES & CUSTOMS

चतुर्थ एवं पंचम तल, कृष्णा ब्लॉक, सीमा शुल्क भवन
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सी.सं. / C.No.II/27/03/2019 Dte Vig / 140

दिनांक / Dated :23.01.2019

To

The Principal Commissioner / Commissioner of GST & Central Taxes,
Chennai North / Chennai South / Chennai Outer / Chennai Audit I
Chennai Audit II / Puducherry / Coimbatore / Coimbatore Audit /
Salem / Tiruchirapalli / Madurai / Cochin / Calicut / Tiruvananthapuram.

The Pr Commissioner / Commissioner of Customs, Chennai VIII / ~~Cochin~~ Tuticorin
The Pr Commissioner / Commissioner of Customs (Prev.), Tiruchirapalli / Cochin.

Madam / Sir,

Sub : Vigilance – SOP for upkeep of RUDs in Disciplinary Proceedings –
Regarding.

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Please find enclosed herewith a copy of reference F.No.C-11016/19/2010-
AdV dated 17.12.2018 received from the Office of the CVO,CBIC, New Delhi
wherein Standard Operating Procedure for upkeep of Relied Upon Documents in
Disciplinary Proceedings are laid down. It is requested that the same may be strictly
complied with.

संलग्न / Encl : उपरोक्तानुसार / As above

भवदीय / Yours faithfully,

M.M. Parthiban 23/1/2019

(एम एम पार्थिबन / M.M.Parthiban)

प्रधान अपर महानिदेशक (सतर्कता)
Principal Additional Director General

*3C/AC (Vigilance)
28/1/19*

4/1/19
for compliance
4/1/19
AC Shm AL

Central Board of Indirect Taxes and Customs
(Office of Chief Vigilance Officer)

6th Floor, Hudco Vishala Building,
Bhikaji Cama Place, New Delhi-66
Dated the 17th, December, 2018

To

All Director Generals
All Principal Chief Commissioner/Chief Commissioners of Customs, Central Goods & Service Tax Zones
All Principal Commissioner/ Commissioner of Customs, Central Goods & Service Tax Zones
The Narcotics Commissioner
Directorate of Publicity & Public Relations

Sub: Standard operating procedure for upkeep of relied upon documents (RUDs) in Disciplinary Proceedings-reg.

Disciplinary proceedings (DPs), from the stage of receiving a complaint and investigation of the same till issue of final order are required to be completed in a time bound manner. It has been noticed that at times, DPs are delayed for want of original/certified Relied Upon Documents (RUDs), either at the stage of seeking approval of Disciplinary Authority (DA) for institution of departmental proceedings or at inquiry stage or at the time of seeking advice from UPSC. In a recent case investigated by a Vigilance Zonal Unit, the concerned original file was not collected/taken over by the investigating officers and the same was subsequently reported as misplaced by the Commissionerate. The Charged Officer has approached the court, insisting on seeing the original file, which the department is unable to produce due to its misplacement/loss.

2. Departmental Proceedings for Regular Departmental Action (RDA) are considered, in the context of the following three eventualities:

- a. Cases booked and investigated by CBI/DRI/DGGSTI.
- b. Cases referred by Chief Commissioner/Commissionerate forwarded to DGoV for initiating vigilance action.
- c. Cases investigated by Zonal Units of DGoV & forwarded to DGoV (Hqrs).

3. In cases covered in (a) above, it may not be possible for the agency investigating and booking the case, to make available, the original documents, for issue of charge memo,

as the same may be required in court proceedings under Prevention of Corruption Act or Quasi-judicial proceedings under the Customs Act/Central Excise Act/GST Act. In such cases, the investigating agency keeps the original documents seized/collected in safe custody. Whenever such cases are referred to DGoV for further vigilance action, on receipt, it should be immediately checked whether 2 sets of authenticated copies of all RUDs are forwarded with the reference letter of the investigating agency and handed over to the DGoV under proper receipt /acknowledgement. If not, the same should be immediately requisitioned by DGoV.

4. In situations covered in para 2 (b) above, original documents should be insisted upon for drafting the charge memo, unless production of the same is likely to impede the day to day work of the Commissionerate. Unless it is absolutely inescapable, the Commissionerate shall retain the attested photocopies of records, for meeting the urgent departmental requirements and for disposing off any action that may be pending on its part and shall provide the originals to DGoV Hqrs/Zonal Units, as the case may be. This is as per para 5.2 of the Vigilance Manual, issued by CVC (6th Edition). Where originals could not be made available, for vigilance action, it will be responsibility of the Commissionerate, to keep the original documents in safe custody till completion of all the proceedings including vigilance action. It must, however, be ensured that 2 sets of authenticated copies of all RUDs are furnished by the Commissionerate to DGoV/Zonal Units.

5. In situations covered by (c), the Zonal units should collect/demand the documents in original required for the investigations, unless seizure of the same is likely to impede the day to day work of the Commissionerate. In case originals could not be spared, it will be the responsibility of the Commissionerate to keep the original documents in safe custody till completion of all the proceedings. It must be ensured that 3 sets of authenticated copies of all RUDs are obtained, with 1 set of authenticated copies being retained by the Zonal Unit for its record and 2 sets being sent to DGoV. In case documents are recovered in original, the same should be retained in the Zonal Unit, with 2 authenticated sets being sent to DGoV, for issue of Charge Memo.

6. The original/authenticated copies of the RUDs should be stored by DGoV Hqrs/ Zonal Units/Commissionerates in safe custody in compactors, with an AC rank officer being made in-charge. A proper Register should be maintained duly dated and signed by the AC, in token of receiving and issuing the documents.

7. As per CVC's circular No. 006/PRC/1 dated 06.08.2009, the reference to CVC for first stage advice will be accompanied among other things by a draft charge memorandum in the prescribed format. After the first stage advice of CVC is received by DGoV, the draft charge memo, along with authenticated copies of RUDs, is forwarded to the Ministry/Board, for seeking approval of the DA before issue of Charge Memo. It has been noticed in the past that one of the main reasons for delay in finalization of DPs is that, Charge Memos have been issued based on incomplete RUDs, irrelevant documents/material cited as

RUDs, unauthenticated Photostat copies of RUDs or some RUD's being illegible. Due to the constant movement of files and documents, including sending the RUDs to the Presenting Officer, for use in the inquiry proceedings, there remains a possibility of some RUDs getting misplaced, especially in cases where the POs get changed or where completion of inquiry proceedings gets delayed, for any reason. Henceforth, it shall be ensured by the Vigilance Officer concerned that no inquiry proceeding is held up, for want of RUDs as per Annex III of the Charge Memo, at any stage of the DP, for which, he will be squarely responsible.

8. It is emphasized that the DA is required to grant approval for issue of Charge Memo or otherwise, based on the relevant, original or certified copies of the RUDs, absence of which is liable to be challenged on ground of non-application of mind. In addition to the RUDs, listed in Annexure III of the Charge Memo, certain documents are additionally required by UPSC, for issuing their advice. Certified copies of these documents must also be sent along with the draft Charge Memo by DGoV, to avoid protracted correspondence with DGoV subsequently, at the time of reference to UPSC. The list of documents required to be submitted with the Charge Memo is mentioned in Annexure A.

9. In view of the above, the following SOP is hereby laid down for strict compliance by all concerned:


- i. It shall be the primary responsibility of the Vigilance Officer, dealing with the concerned file in DGoV to ensure that legible copies of all authenticated copies of documents, as per Annexure A, are enclosed along with the draft Charge Memo. A certificate shall also be furnished by him to this effect as in Annexure A.
- ii. 1 set of authenticated RUDs for sending to the PO and 1 set of Photostat copy for the CO, shall be sent by DGoV to the Ministry/ Board along with the draft Charge Memo.
- iii. The dealing hand in the Ministry, on receipt of the reference/case records, shall check the same and clearly indicate in his note that documents in 2 sets (one authenticated and one photocopy) as per Annexure A, have been received and proposal is complete in all respects.
- iv. 1 set of authenticated documents, as per Annexure A, sent to the Ministry/Board, shall also be retained by DGoV, till the issue of final order by the Ministry, to be used in case of loss or if additional sets of documents are subsequently required at any stage. This shall also obviate the requirement to correspond with field / Zonal units in case of loss/non-availability of documents.
- v. A Central Documentation Section shall be set up under an AC in DGoV/Zonal Unit/Commissionerate, to keep RUDs/Annexure A documents in safe custody. A

register of all RUDs/Annexure A documents kept in the section, with dated acknowledgement, to be maintained by AC in-charge and verified by ADC/JC in-charge from time to time, particularly at the time of taking over the charge.

- vi. If additional attested copies are required subsequently at any stage of the DP, AC in-charge of the documentation centre would be empowered to attest additional copies on the basis of original / authenticated documents available with his Section.
- vii. Where original documents are seized/taken over by the investigating agency, it shall be the responsibility of the investigating agency to ensure safe custody of such documents/records. Where, however the original records are not seized/taken over by the investigating agency, it will be the responsibility of the concerned commissionerate to keep the original records in their safe custody, till conclusion of all the proceedings. If the CO insists for inspection of the original documents, such inspection will be arranged by the PO in liaison with the investigating agency / concerned commissionerate.
- viii. In case of deemed proceedings and for consideration of an appeal/revision petition, only authenticated copies of the records be sent to the Ministry/ Board and the original records may be retained in the Commissionerate.

10. This issues with the approval of the Board and shall be complied with strictly by all concerned.

Yours faithfully,


(Kabindra Joshi)
Director (Ad.V)

Copy to:

1. The Addl. Director General, Directorate General of Vigilance, Customs & Central Excise, Hotel Samrat, Chanakyapuri, New Delhi.
2. ADG(Vig) Pr. ADG(Vig) in all Zonal Units of DGOV.
3. Jt. Secretary (Admn.), CBIC, North Block, New Delhi.
- ✓ 4. The Web Manager, Dte. General of Systems, Customs & Central Excise, New Delhi.
5. Guard File.

Annexure - A

referred to in Boards circular F. No. C-11016/19/2010 -Ad. V, dated 17th December, 2018)

Name of the officer as per Civil List :

Civil List S. No. :

Date of Birth :

Current posting and postal address, :

at which charge sheet to be sent

Documents required for issue of Charge Memorandum:

- (i) Authenticated copy of complaint, if any
- (ii) Authenticate copy of PE or SP Report as the case may be
- (iii) Copy of the Statement of Charged Officer recorded during PE/by CBI
- (iv) A copy of UO Note of DGOV forwarded to CVC
- (v) A copy of first stage advice of CVC
- (vi) Draft Charge Sheet
- (vii) Original set/authenticated set of documents as per Annexure III of proposed draft charge sheet, and
- (viii) One extra copy of documents as per Annexure III

I hereby certify that all relevant information and documents as per Annexure-III of the draft charge sheet have been checked by me and found in order.

Signature:

Name of the Vigilance Officer: