STANDING ORDER NO. 8420

SETTING UP VIGILANCE UNIT IN PHQ AND PREPARATION/REVIEW/CUSTODY OF SECRET AND AGREED LISTS OF PERSONS OF DOUBTFUL INTEGRITY IN ANDAMAN & NICOBAR POLICE

1. INTRODUCTION

As on date there is no mechanism to keep an eye on police personnel of Andaman & Nicobar Police who are suspected to be indulging in malpractices/corrupt activities/Criminal acts/misuse of official position/high handedness etc. and to deal with them suitably by the department. Police Department has extensive public dealings and is charged with the responsibility of maintaining law & order and has to have high standards of probity. Therefore, it is essential to keep vigilance on the conduct of the police personnel. This standing order will provide a system to deal with the acts of commission/omission by the police officials during discharge of their government duties.

2. SETTING UP VIGILANCE BRANCH

This Standing Order is specially meant for those police officials who indulge in corrupt practices and do not maintain the highest standard of probity and integrity. It is essential to keep a sharp eye on the conduct of such officers who are suspected of indulging in shady dealings/corrupt activities/misuse of official position/high handedness while dealing the public and a mechanism is required to be put in place to deal with them suitably.
A Vigilance Branch will start functioning in the Police Headquarters to monitor the activities of police personnel while dealing with the public. It shall also conduct enquiries into allegations/complaints received from National Human Rights Commission, Police Complaints Authority, Raj Niwas, A&N Administration etc against police personnel of A&N Police. It shall maintain the records of such police officials under SP(Vigilance) assisted by Dy.SP-1, Inspector-1, SI/ASI-2, HC-2 & PC-4. The staff of Vigilance Branch designated by SP/Vigilance as Enquiry officer will conduct enquiries into allegations against police officials and submit the report to SP/Vigilance concluding the allegations as substantiated or otherwise. On receipt of such enquiry report the SP/Vigilance will initiate necessary action against the erring police official as deemed fit as per quantum of the lapse/lapses.

Further, Vigilance Branch shall act as a nodal agency with reference to complaints/references received from National Human Rights Commission, Police Complaints Authority and complaints against police personnel received from Raj Niwas.

3. **IDENTIFICATION OF OFFICERS OF DOUBTFUL INTEGRITY (D.I.)**

It shall be the duty of District/Unit SSP to identify staff of doubtful integrity in the light of the instructions contained in this S.O and refer their names to Vigilance Branch, PHQ for inclusion in the doubtful integrity list. In addition, a close watch is required to be maintained on such police personnel by the supervisory officers at the Units concerned and their work and conduct should be reviewed every quarter. Names of officers/men coming to adverse notice as a result of vigilance or any other enquiry or investigation, should be brought on the appropriate doubtful integrity list by the competent authority as specific in subsequent paragraphs of this Standing Order.
4. **DOUBTFUL INTEGRITY LISTS**

There shall be two lists of personnel suspected to be of doubtful integrity to be maintained in Vigilance Branch/PHQ in cases pertaining to Moral Turpitude, corruption and lack of integrity which means as under:-

a) **Moral Turpitude:-** Immoral behavior / Character

b) **Corruption:-**
   
   i) The act or effect of making change from moral to immoral standards of behavior.
   
   ii) Dishonest or illegal behavior, especially of people in authority: allegation of bribery and corruption.

c) **Integrity:-** The quality of being honest and having strong moral principles is called as Integrity.

In order to standardize the system, list of officers of Doubtful Integrity will be maintained with the following guidelines:-

(i) The name of an officer should be included in the D.I. list only after the charge of malafide intention, corruption and lack of integrity, moral turpitude or gross dereliction of duty in protecting the interest of Government has been substantially proved against him.

(ii) It is unwarranted to include the name of an officer who has been awarded major/minor punishment on any ground other than substantially proved charge of malafide intention, corruption and lack of integrity, moral turpitude or gross dereliction of duty in protecting the interest of government.
AGREED LIST OF D.I. AND SECRET LIST OF D.I.

(i) These lists shall be maintained centrally by Vigilance Branch, PHQ in alphabetic order separately for each rank in Registers marked rank wise. Entries in these registers shall be made in accordance with the procedure laid down in this S.O by Dy.SP/Vigilance. SP/Vigilance will authenticate the entries at the end of every month.

(ii) A Confidential Assistant in Vigilance Branch, under the supervision of Dy.SP/Vigilance will maintain a register regarding receipt of copies of orders of suspensions, orders for initiation of DEs, punishment orders, etc received from District/Unit SsP in the Vigilance Branch. After examining each order, the cases which fall under the provisions of para 5 & 6 of this S.O., shall be submitted on a note-sheet (Performa at Annexure-I) for obtaining orders of the competent authority in each case for inclusion of names in the list of Doubtful Integrity. Copies of remaining such orders which do not come under the purview of above mentioned provisions of this S.O. will be filed after obtaining orders of DGP/IGP on weekly basis.

(iii) Once the Competent Authority approves that the name of an official be brought on the Secret/Agreed list of D.I., Dy.SP/HQ (Vigilance) will issue an order on the prescribed format (Performa at Annexure-II) containing Name, Rank/No., PIS number, gist of mis-conduct, date of bringing name in the list, date of renewal and place of posting. At the same time, he will also cause the name and other particulars of that official to be entered in the relevant D.I list.
5. **AGREED LIST**

(i) The Agreed List of officials of doubtful integrity shall be prepared in respect of police personnel against whom there are complaints, doubts or suspicions about their honesty or integrity. This shall be done in each individual case after consultation between the concerned disciplinary authority and his/her counterpart in the Vigilance Branch in PHQ. Such consultation shall be between SP/Distt/Unit and SP/Vigilance for lower subordinates rank and in the case of upper subordinates such consultation will be between IGP of Unit and IGP/Vigilance.

(ii) The Agreed list of Doubtful Integrity will include the names of police personnel coming under the following categories:

a) Officials against whom departmental proceedings for a major penalty or a Criminal case in a Court trial is in progress for alleged acts involving non specific charges of lack of integrity, moral turpitude or corruption.

b) The name of police official shall be brought on Agreed List where his connivance with some ulterior motive or consideration is proved for permitting any illegal activity.

(iii) It shall be the duty of all the District/Unit SsP to furnish all the relevant details including copies of orders regarding initiation of DEs, suspension, punishment, information regarding involvement/arrest in criminal cases which contains any of the allegations mentioned in para (ii) (a) above, to SP/Vigilance, who in turn shall bring their names on Agreed List after obtaining orders of the competent authority. The cases in which punishment is set-aside or enhanced, shall also be sent to SP/Vigilance by all concerned.
(iv) The names of upper subordinates falling in any of the categories described above shall be brought on the Agreed List with the approval of IGP Vigilance. Names of the lower subordinates shall be brought on Agreed List with the approval of DIGP/SP/Vigilance. If the decision of DIGP/SP/Vigilance is contested by the concerned District/Unit SP, the matter will be reviewed and decided by the concerned IGP, as the case may be, who exercise supervisory control over the unit in which the lower subordinates in question is posted.

(v) The name of any Gazetted Officer shall be brought on the Agreed List only with the approval of DGP, A&N Islands.

(vi) The names shall be brought on the Agreed List from the date of approval by the Competent Authority.

(vii) If the name of a police officer has been brought on the Agreed List during the pendency of a DE or Criminal case falling in the category (ii) (a), mentioned above, the names of such officials shall remain on Agreed List till the conclusion of the DE/Criminal Trial. If, on conclusion of the DE/Criminal trial, the charges are substantiated against the police officer leading to award of a major penalty or conviction, the name of such official shall be removed immediately from the Agreed List and brought on Secret List. However, if the police official is discharged/acquitted/exonerated in the DE/Criminal Trial, his/her name shall be removed from the Agreed List with approval of the competent authority.

(viii) The Agreed List of doubtful integrity shall be a confidential list. It shall be maintained by Vigilance Branch as well as by the Confidential Branch of the District/Unit to ensure close watch on the work and conduct of the officers name of this list and its confidentiality shall be maintained. Officers on Agreed List will not
be assigned duties which call for impeccable integrity. It shall be the special responsibility of the District/Unit In-charges to ensure that officials whose names are on the Agreed List are not assigned such duties. However, if the concerned District/Unit SP requests for the transfer of the said official to some non-sensitive unit, his request will be considered by PHQ, accordingly.

6. **SECRET LIST OF DOUBTFUL INTEGRITY**

   It will include the names of officers falling under one or more of the following categories.

   i) Officials who are convicted by a Court of law on the charge of lack of integrity or for an offence involving moral turpitude, but due to exceptional circumstances, a penalty other than that of dismissal, removal or compulsory retirement is imposed upon them.

   ii) Officials who are awarded a major penalty upon conclusion of departmental proceedings in one of the following cases:

       a) On charges of lack of integrity.

       b) On charges of gross dereliction of duty in protecting the interest of the Government, although the corrupt motive may not be capable of sufficient proof.

   iii) Officials who are arrested in a case under the P.O.C Act.

   iv) Officials against whom proceedings for a major penalty or a Court trial is in progress for alleged acts involving specific charges of lack of integrity, corruption and moral turpitude. In non specific cases the names may initially be brought on Agreed List and transferred to Secret List on award of major penalty/conviction as the case may be.
v) Officials who were prosecuted in a criminal case but are acquitted on technical grounds, though on the basis of evidence led in the trial a reasonable suspicion against their integrity is raised, or who were dealt with departmentally but exonerated on technical grounds or by winning over the witnesses.

vi) Officials who are awarded a minor penalty on charges involving specific charges of lack of integrity and moral turpitude pursuant to major penalty proceedings.

7. EXCEPTIONS:

The names of officers/men of the following category shall not be included on D.I. list.

a) Officers who have been exonerated or acquitted honorably at the conclusion of disciplinary proceedings or Court trial.

b) Officers against whom an enquiry or investigation has not brought forth sufficient evidence for recommending even departmental proceedings or Court trial.

c) Officers who have been convicted of offences not involving lack of integrity or moral turpitude.

d) Officers against whom disciplinary proceedings have been completed, or are in progress, in respect of administrative lapses, minor violation of conduct rules and acts of indiscipline.

e) Names of Police Officers should not be brought on the Secret/Agreed list of D.I. for mere negligence, carelessness or lack of supervision or for allegations of non registrations or delayed registration of cases.
f) The names of police officers should not be brought on Agreed/Secret List of D.I. for mere violation of instructions, if there is no malafide act involved.

g) Names of police officials against whom criminal cases are registered in their private capacity involving their private affairs (for example disputes and quarrels over property, disputes with neighbour and marital disputes) shall not be brought on the Agreed/Secret list of D.I.

h) Names of those who have been awarded major penalty/punishment upon conclusion of Departmental enquiry proceeding, in the matter like non appearing in court once or twice (unless a specific pattern appears that suggests to deliberate action to benefit a party), consuming alcohol during service or non service hours, absence from duty and other administrative non-compliance, shall not be brought on the D.I. list.

i) Mere allegation or suspicion of corruption, moral turpitude or lack of integrity or award of censure will not be the criteria of including the name of an official in the D.I. list if the charge is not substantially proved against him during the course of inquiry.

8. REVIEW OF CASES OF OFFICERS WHOSE NAMES BROUGHT ON AGREED/SECRET LIST.

Cases of officers whose names are brought on Agreed/Secret List shall be periodically reviewed as under:-

a) **AGREED LIST:** After one year from the date of bringing of names on the list.

b) **SECRET LIST:** After three years from the date of bringing the name on Secret List.
Recommendations for the review of cases of individuals on 'Agreed' or 'Secret' List will be made by the District/Unit Ssp, where these officers/men are posted on due date. A list of officials, whose cases are due to be reviewed in the next month, shall be circulated to all concerned Ssp District/Unit by 5th of previous month. The concerned controlling SP shall furnish their review recommendations on the Performa prescribed at Annexure-III latest by 20th of the month. The copies of adverse entries in the service record of the individual concerned would also be supplied to SP/Vigilance latest by 20th of the month by CA Branch PHQ.

SP/Vigilance may also suo-moto initiate the process of review on receipt of copies of punishment/exoneration orders.

The recommendations for review shall be submitted in Performa (Annexure-III) along with chronological record of adverse entries in the service record/personal files of individuals concerned for further orders by the competent authority.

9. REMOVAL OF NAME FROM D.I. LIST & TRANSFER OF NAMES FROM AGREED LIST TO SECRET LIST

i) Periodical review of cases of officers whose names are brought on Agreed/Secret List of D.I. shall not mean automatic removal of their names from D.I. list.

ii) When the name of an officer has been entered in the list for good and adequate reasons, it will not be removed until a period of three years has elapsed. The period of three years for which the name will be counted on the list, will be from the date of punishment in disciplinary proceedings or from the date of conviction in a Court case.
iii) In the case of upper subordinates, a decision regarding continuance or removal of names from the list, or for transfer of names from Agreed List to Secret List shall be taken by IGP/ Vigilance in the light of the comments of the controlling IGP concerned. Similar action will be taken by SP/Vigilance on recommendations of controlling SsP in the cases of lower subordinates. All such decisions in the case of G.Os shall, however, be subject to the approval of the Director General of Police.

iv) In case the punishment is set-aside on technical grounds, the name would continue on the D.I. List. However, if the appellate authority comes to the conclusion that the police officer concerned should be exonerated of the charges, accordingly consequential benefits should be given, and the officer’s name should be removed from Agreed/Secret List from the date of inception.

v) In case where the names are brought on Agreed/Secret List under the provisions of sub-para (iii) and (iv) of para 5 above and the officer is exonerated from the charge, and where provisions of para 5 (v) are not attracted, consequential benefits should be given and his name should be removed from the date of inception.

vi) In cases, in which it is decided to continue the name of an individual on the “Agreed/Secret List, IGP, Vigilance shall indicate the period for which the name is to be continued on Secret List in the case of Upper Subordinates, and DIGP/SP (Vigilance) do the same in the case of Lower Subordinates.

vii) The names of police officers may be treated as removed automatically from D.I. list if the police officers has expired or retired from the service. Vigilance unit needs to be kept informed in such cases by SP of concerned District/Units.
10. **ACTION WHEN AN OFFICER OF DOUBTFUL INTEGRITY IS TRANSFERRED FROM ONE UNIT TO ANOTHER**

If an individual, whose name is brought on the Agreed/Secret list of doubtful integrity is transferred from one unit to another, it shall be the responsibility of the District/Unit concerned (from where such an individual is transferred) to send full background of the case to the Unit where he is transferred under intimation to SP/Vigilance.

11. **EFFECTS OF BRINGING OF NAMES ON D.I. LISTS:**

a) **SECRET LIST**

   Existence of an official’s name on the Secret list shall lead to the following consequences:

   (i) His certificate of integrity shall be deemed to have been withheld and an appropriate entry shall be made in his confidential service record in red ink.

   (ii) The fact of withholding of integrity certificate shall be duly communicated to the official in the manner of communication of an adverse entry in the confidential report within one month from the date his name is brought on Secret List by the concerned Unit.

   (iii) The official can represent for review against such withholding of integrity certificate within six weeks from the date of receipt of communication of remarks to the Director General of Police in the case of uppers subordinates and to the IGP/Vigilance in the case of lower subordinates. The communication regarding bringing name on Secret List/continuance and removal shall be communicated to the concerned official against his proper acknowledgement, which will be sent to SP/Vigilance for placing on the relevant file of the individual.
The concerned District/Unit shall intimate the appellant regarding the final disposal of his appeal, against proper receipt.

(iv) He shall be kept under close supervision and given such assignments where opportunities for misuse of authority are minimal.

(v) He will not be promoted to a service, grade or post to which though he is eligible for promotion.

(vi) He may be considered for compulsory retirement subject to various guidelines of the Government on the subject.

(vii) He shall not be granted extension in service and shall not be considered fit for re-employment.

(viii) He shall not be sent on foreign assignment or deputation.

(ix) He shall not be allowed to cross the Efficiency Bar until his name is removed from the Secret List.

(x) He shall be transferred to non-sensitive Unit/assignment.

(xi) His probation period shall be extended for a period of one year. In case, no misconduct comes to light during this extended period, confirmation can be made.

b) AGREED LIST

The officer, whose name is brought on the Agreed List, should continue in the District/Unit concerned unless a specific recommendation is made by the District/Unit SP for his transfer. It should be left to the District/Unit SP to utilize the services of the officer in any manner, he deems fit.
12. MISCELLANEOUS

i) These instructions will be applicable only with prospective effect and not with retrospective effect.

ii) No personnel in C.A Branch of Vigilance shall be allowed to continue there for a period exceeding two years. SP/Vigilance shall ensure that any person posted there is shifted to another section after completion of two years tenure.

This Standing Order supersedes all previous orders on the subject. The instructions shall be meticulously complied with by all concerned.

[Signature]
SUDHIR YADAV, IPS
DIRECTOR GENERAL OF POLICE
ANDAMAN & NICOBAR ISLANDS

Copy to:

1. DGP
2. IGP
3. IGP (Intl)
4. IGP (L&O)
5. DIGP (HQ)
6. All SPs
7. All DySPs/CFO/PRC
8. All Inspectors
9. All SHOs
10. I/c CA Branch/Computer Cell
11. Standing order file, PHQ
P.U.C.: Order/Memo/U.O. No. ___________________________ dt. ___________ received from SP/ ________________

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The PUC is DE order/ Censure order/ Suspension Order / Report which has been examined under the provision of existing S.O. No. ___________ to consider the name(s) of the following police officials(s) for bring his/her/their names(s) on the D.I. List on account of his/her/their alleged act of omission and commission as mentioned below:-

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Rank, Name &amp; PIS No.</th>
<th>Posting</th>
</tr>
</thead>
</table>

Brief of allegation:-

If approved we may bring the names(s) of above official(s) on Agreed List of D.I. from the date of approval please. It will be reviewed after one year or till the finalization of DE/Criminal case whichever is earlier.

CA
L/C Section
Dy.SP(Vig)
SP(Vig)

Annexure-I
ORDER

With the approval of competent authority the name of .................
No..................... has been brought on Agreed List of Doubtful Integrity
w.e.f..................... It will be reviewed after one year or on finalization of DE/Cr. Case
whichever is earlier.

Dy. Superintendent of Police (Vig)

No............................ dated, .............

Copy forwarded to :
1. SP/HQ for information & necessary action.
2. The SP/........................., w.r.t. his office letter .........................
   dated ..................... for information & necessary action. He is requested to
   keep a close watch on the conduct of the above official. The official may
   not be assigned duties which call for impeccable integrity. However, in case
   he intends the transfer of the above official to non-sensitive unit, he may
   send request to IGP/DIGP(HQ) for consideration. As and when the above
   official is transferred to other unit, full details of the case may be sent to
   concerned SP/District/Unit for further necessary action, under
   intimation to this office.
P.U.C.: Order/Memo/U.O. No.............................................. dt................. received
from SP/...........................................

*****

The PUC is DE order/ Censure order/ Suspension Order / Report which
has been examined under the provision of existing S.O. No....... to consider the
name(s) of the following police officials(s) for bring his/her/their names(s) on the
D.I. List on account of his/her/their alleged act of omission and commission as
mentioned below:-

S. No.    Rank, Name & PIS No.    Posting

Brief of allegation:-

If approved we may bring the names(s) of above official(s) on Agreed List of
D.I. from the date of approval please. It will be reviewed after one year or till the
finalization of DE/Criminal case whichever is earlier.

CA
I/C Section
Dy.SP(Vigl)
SP(Vigl)
~
Annexure-III

**PROFORMA TO REVIEW THE DOUBTFUL INTEGRITY CASE**

1. Name
2. Rank/No.
3. Reference No..... date bringing name on D.I.
4. Whether name exists on Agreed or Secret List.
5. Gist of reasons on the basis of which name was brought on D.I.
6. Due date for review.
7. Adverse entries on record (copies be enclosed).
8. Whether any DE/Criminal case is pending? If so, it's details be enclosed.
9. Recommendation of SP.

Superintendent of Police
District/Unit