



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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सं./No.....

दिनांक / Dated... 24.12.2021.....

Circular No. 25/12/21

Subject: - Comprehensive guidelines on Complaint Handling Mechanism.

The Central Vigilance Commission receives a large number of complaints from various sources on continuous basis, containing different type of allegations against different levels of officials of Ministries/Departments/Organizations of Govt. of India.

2. In order to streamline the process of lodging of complaints by the citizens and to devise a proper mechanism for handling of complaints, the Commission has issued numerous guidelines from time to time. For the benefit of all stake holders, Comprehensive Guidelines on Complaint Handling Mechanism have been compiled, which are enclosed for guidance and reference.

(Rajiv Verma)
Director

Encl.:As above.

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

Comprehensive Guidelines on Complaint Handling Mechanism

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Comprehensive guidelines on Complaint Handling Mechanism

INTRODUCTION

Over the last few years, globalization and liberalization have led to rapid increase in the economic activities and the emergence of more dynamic and complex economic environment worldwide. India has emerged as a progressive and vibrant economy, showing rapid and sustained growth across all sectors of the economy. With huge investment being made in the country's infrastructures, constructions, manufacturing and other sectors, India, being an emerging economic power and with its growing importance in international trade and commerce, is being viewed with special focus internationally. Hence, there is a greater need for the country to be viewed as more transparent and committed to elimination of corruption from public life.

All these factors have raised expectations from the Central Vigilance Commission as an agency which can contribute significantly in eradicating corruption and shortcomings from the system of administration. Combating corruption requires a multipronged strategy which calls for involvement of all the stakeholders in the society in a participatory manner. As the public has become more aware and vocal about expressing its dissatisfaction about the inadequacy in service delivery mechanism or any other shortcomings in the system of administration, increased participation of the common man in the system of governance at the various levels would help in elimination of irregular/corrupt activities from the governance mechanism. It would ensure greater transparency and simultaneous decrease in the scope of corrupt/inappropriate activities. Citizen of the country can also draw the attention of appropriate agency towards the acts of corruption by making a formal complaint regarding any such activity in writing or through other specified means. Complaint redressal mechanism, whistle blower mechanism and public service legislation are some of the means that may be used by the citizen to report corrupt/inappropriate activity of a public servant. These guidelines are aimed to provide information about the Complaint Mechanism, which can be used by citizen to lodge complaints.

CHAPTER-I

1.1 Short Title & Commencement

These guidelines will be deemed as Comprehensive Guidelines on Complaint Handling Mechanism and shall come into effect from the date of issue of the same.

1.2 Purpose

Central Vigilance Commission has issued guidelines from time to time regarding the process of lodging complaints with the Commission, Commission's jurisdiction and further action on the same. All these guidelines have been given in detail in Chapter III & IV of Vigilance Manual 2021 and also in Complaint Handling Policy of the Commission issued vide Circular No. 004/VGL/020 (pt). dated 01.07.2019. These guidelines are aimed to create awareness among the public so that they are able to become active participants in the process of eliminating corrupt and irregular activities from public life. These guidelines are also aimed to provide framework to organisations, under the advisory jurisdiction of Commission to enable them to implement the complaint handling process efficiently and uniformly.

1.3 Applicability

- (a) These guidelines shall apply to the complaints made against the following categories of officials, who are covered under the jurisdictions of the Commission: -

| S. No. | Department/Organisation | Category of Officers |
|--------|---|--|
| (i) | Members of All India Services | Serving in connection with the affairs of the Union. |
| (ii) | Central Govt. Ministries/ Departments | Group 'A' Officers. |
| (iii) | Central Public Sector Undertakings: (a) Schedule "A" and "B" (b) Schedule "C" and "D" | (a) Chief Executives and Executives on the Board and other officers of E-8 and above (b) Chief Executives and Executives on the Board and other officers of E-7 and above |
| (iv) | Public Sector Banks | Scale V and above. |
| (v) | General Insurance Companies | Manager and above. |
| (vi) | Life Insurance Corporation | Senior Divisional Manager and above |
| (vii) | RBI/NABARD and SIDBI | Officers in Grade D and above |
| (viii) | Societies and other local Authorities etc. | Officers drawing salary of Rs.8700/- and above on Central Govt. DA pattern (as may be revised from time to time) |

| | | |
|------|-------------------------------|---|
| (ix) | Port Trusts/Dock Labour Board | Officers who are in pay of Rs.10,750/- and above (Rs. 3,750/- and above pre- revised) |
|------|-------------------------------|---|

- (b) It may be noted that the Commission's jurisdiction does not extend to private individuals, organisations of the State Governments, members of parliament and state legislatives (including representatives of other elective bodies), members of judiciary and official of private organisations.

CHAPTER-II

COMPLAINTS BY PUBLIC AGAINST PUBLIC SERVANTS – ROLE OF COMPLAINANT

Combating corruption is not just a matter of making laws and creating institutions, but is deeply rooted in human values and morals of individuals and the fight against corruption cannot be won without citizens' support, participation and active vigilance by all concerned. Public participation is, therefore, essential in promoting good governance, integrity and controlling corruption. The complainants can play an extremely important role in scrutinizing actions of government agencies & public servants and detection/reporting of unethical, inappropriate conduct by them.

In order to ensure that the complaints have the desired effect and end in prompt and effective resolution of the issues involved, it is important that complaints are lodged with the Commission after taking care of certain aspects. For the guidance of public, the following points are highlighted which may result in prompt action on the complaints:

2.1 Guidelines for the Complainant

- (a) The complaint should be pertaining to Ministries/ Departments/ Organisations falling within the jurisdiction of the Commission.
- (b) Complaints sent through written communication/letter should contain name and personal details, complete postal address (mobile/telephone number, if any) of the sender with specific details/information of the matter. Complaint should be signed by the Complainant.
- (c) Complaints lodged with the Commission should be genuine and not malicious, vexatious or frivolous and should be based on verifiable facts.
- (d) A complaint should preferably be lodged in typed or written form in English or Hindi language for facilitating early action thereon.
- (e) The complaint should not be anonymous or pseudonymous.
- (f) Complaint should be specific with adequate evidence.
- (g) The complaint should not be biased or based on any personal grievances.
- (h) Complaints sent on any e-mail ID of officers of the Commission will not be entertained or taken cognizance of by the Commission.
- (i) The complainant should address the complaint directly to the Commission.
- (j) Normally one specific issue should be raised in one complaint. However, if more than one specific issues are there, it is better to raise the same in separate complaint. Further, Complainants, while forwarding their complaints to the Commission, should mention details one by one in a coherent manner so that the same can be understood unambiguously.
- (k) All types of complaints, even if printed or photocopied, should be clearly legible.
- (l) The complainants should lodge complaints only regarding issues having vigilance angle and which are not part of any litigation in any courts, tribunals, etc., i.e. the matter should not be sub-judice.
- (m) Complainants who want to keep their identity confidential should file complaint under the provisions of PIDPI resolution. The complainants who want to make whistle blower complaint under PIDPI Resolution should familiarize themselves with the proper procedure of PIDPI Resolution. Details of PIDPI Resolution are mentioned in Chapter-VI of these guidelines.

- (n) In the matter of complaint related to tenders, while the Commission may get the matter investigated, it would not generally interfere in the tendering process.

2.2 Lodging of Complaints

Complaints can be lodged with the Commission by addressing a written communication/letter directly to The Secretary, Central Vigilance Commission, Satarkta Bhawan, GPO Complex, Block-A, INA, New Delhi- 110023, complaints can also be lodged online on Commission's portal www.portal.cvc.gov.in or through the Commission's website www.cvc.gov.in under the link "Lodge Complaint" which is available on home page.

CHAPTER-III

Central Vigilance Commission, in Chapter III of Vigilance Manual 2021, has clarified that Complaint is a piece of statement or information containing details about offences alleged to have been committed under the PC Act, 1988, or malpractice/misconducts under Conduct Rules governing specified categories of public servants.

3.1 Source of Complaints

3.1.1 Information about fraud, corruption, malpractice or misconduct on the part of public servants may flow to the agencies concerned, in the form of a complaint from any of the following or other sources: -

- (a) Complaints received from employee(s) of the organisation or from the public.
- (b) Departmental inspection reports, stock verification reports and reports of irregularities in accounts detected during routine Audits of accounts.
- (c) Scrutiny of annual property returns.
- (d) Scrutiny of transactions reported under the Conduct Rules applicable.
- (e) Audit reports on Government accounts and on the accounts of Central public undertaking and other corporate bodies, etc.
- (f) Reports of Parliamentary Committees like the Estimate Committee, Public Accounts Committee and the Committee on Public Undertakings.
- (g) Proceedings of the Houses of Parliament.
- (h) Complaints and allegations appearing in the print and electronic media.
- (i) Information shared by agencies like CBI, ACB, Lokayukts, etc.

(Vigilance Manual 2021, Chapter-III, Para 3.1.1)

3.1.2 Information about corruption, malpractices & misconduct may also be gathered by the CVOs by adopting appropriate methods keeping in view the nature of work of the respective organisation.

(Vigilance Manual 2021 Chapter-III, Para-3.1.2)

3.1.3 Information about corruption and malpractices on the part of Public Servants may also be received from their subordinates or from other public servants, in the form of complaints.

(Vigilance Manual 2021 Chapter-III, Para-3.1.3)

3.2 The audit reports (internal, statutory or by Comptroller & Auditor General) are also authentic sources which reveal not only instances of inappropriate activities but also point out towards specific and serious violation of rules / procedures etc. involving suspected acts of corruption. These reports should be scrutinized by the CVOs and other authorities concerned to look for any possible misconduct. In case, any vigilance angle is perceived, the same has to be brought to the notice of the Commission for further appropriate action, as per Commissions mandate and relevant rules etc.

(Vigilance Manual 2021, Chapter-III, Para 3.2 read with Commission's Circular No. 3(v)/99/14 dated 16.05.2001)

3.3 Complaint Handling Policy of Commission

A detailed Complaint Handling Policy has been laid down by the Commission vide its Circular No. 004/VGL/020(pt.) dated 01.07.2019. The Commission on receipt of a complaint against officials covered under its jurisdiction may inquire or cause an inquiry or investigation to be made into the same, wherein it is alleged that the official concerned has committed an offence under the Prevention of Corruption Act, 1988 (as modified in 2018) and an offence with which he may, under the Code of Criminal Procedure, 1973, be charged at the same trial. The salient features of the Complaint Handling Policy are given below:-

- (a) Commission deals with complaints in the matters of corruption and irregular acts having vigilance angle. Redressal of grievances should not be the focus of complaints to the Commission.
- (b) Anonymous or Pseudonymous complaints are not entertained.
- (c) As already informed in Para 2.2, complaints can be lodged either through written communication or through Commission's portal and Commission's website.
- (d) No fee shall be chargeable for lodging complaints with the Commission.
- (e) The procedure for dealing with complaints in the Commission has been defined under Regulation 3 of CVC (Procedure for Dealing with Complaints and Procedure of Inquiry) Regulations, 2021.
- (f) A mechanism has been put in place through Public Interest Disclosure and Protection of Informer (PIDPI) Resolution 2004, under which "Whistle-Blowers" can lodge complaints and their identity is not revealed to any source. This is an effective substitute for anonymous/ pseudonymous complaints. Central Vigilance Commission has been authorised as the "Designated Agency" to receive complaints from "whistle-blowers" and act on them, on merit. The CVOs of "Ministries/ Departments" of Government of India have also been authorised as the "Designated Authorities" for receiving and acting on complaints from whistle-blowers. Detailed provisions of PIDPI Resolution are given in Chapter-VI of these guidelines.

CHAPTER-IV

Action taken on Complaints received in the Commission

4.1 On receipt of complaints in the Commission and after initial scrutiny of the contents, the Commission may take any of the following actions: -

- (i) get an investigation done through CBI or any other investigating agency into allegations levelled in the complaints. It may get the investigation done through the CVO of the organisation concerned or any other CVO or an officer of the Commission and call for investigation report (I&R); or
- (ii) send the complaint for Factual Report (FR) or Discreet Verification and obtain report; or
- (iii) send the complaint to the respective CVO for necessary action (NA); or
- (iv) file or close the complaint, without further action.

In case a view is taken to call for investigation and report (I&R) on a complaint, the Commission seeks confirmation from the complainant for owning or disowning the complaint. This step is necessary because, as per policy, the Commission does not take cognizance of anonymous or pseudonymous complaints. The complainant is also required to provide a copy of his/her identity proof. A communication in this regard is sent to the complainant, and he/she is required to respond within 15 days of the receipt of the communication from the Commission. However, in case of non-receipt of response within 15 days from the complainant, a reminder is also sent to him/her, giving another opportunity. In case of no response after 15 days of reminder, the complaint would be filed treating it as a pseudonymous complaint.

In case of action as stated in para 4.1 (ii) to (iv), a confirmation by the Commission from the complainant is not required.

4.2 Action on complaints where Investigation & Report (I&R) is sought by the Commission:

- (a) Once the Commission decides that a complaint is required to be investigated and report is to be submitted to the Commission, a unique complaint number (case sensitive) is provided to the complainant for such complaints. The Complainant can use this complaint number to know the status of action on his/her complaint by clicking on the 'Complaint Status' displayed on the Commission's website - www.cvc.gov.in.
- (b) Once a complaint has been registered in the Commission, further correspondence in the matter is generally not required. However, the Commission ensures that such complaints are investigated and action taken to its logical conclusion.
- (c) The CVOs or the agencies concerned are required to furnish investigation reports on such complaints within three months from the date of receipt of references from the Commission or within such time as specified by the Commission. In case more time is required to finalise the investigation and send a report to the Commission in the prescribed format, the CVO should seek extension of time, within 15 days of the receipt of reference from the Commission, giving specific reasons. Any such request by the CVO concerned should be sent to the Commission, alongwith the approval of the Chief Executive of the organisation concerned.

(Commission's Office Order No. 08/08/2020 dated 14.08.2020)

- (d) After receipt of investigation report, the Commission may tender its advice or seek further information/ clarification from the CVO. Such information/ clarification from the CVO should reach the Commission within six weeks of the receipt of communication by him. In case of any delay, the CVO concerned should seek extension of time from the Commission, alongwith valid reasons.

(Vigilance Manual 2021, para 3.4.2. (f))

4.3 Complaints forwarded for Necessary Action (N.A.) or closed without any action:

4.3.1 Complaints forwarded to CVOs for Necessary Action:

- (i) In respect of those complaints which are forwarded to CVOs of respective organisations for Necessary Action (N.A.); the CVO is required to scrutinize the complaints thoroughly and decide action on such complaints within a period of one month from the date of receipt of complaint from the Commission.
- (ii) Before initiating action on complaints forwarded for Necessary Action (N.A.), CVO should seek confirmation from the complainant for owning or disowning the complaint, as the case may be, together with copy of his identity proof, as the Commission does not seek confirmation from the complainant, on such complaints.
- (iii) In respect of the complaints referred by the Commission to CVOs for necessary action, in case they have been investigated and a vigilance angle has come to notice against an officer falling under the jurisdiction of the Commission, the case must be referred back to the Commission for obtaining its First Stage Advice. In such complaints, the timeline of three months for completion of investigation and submission of report would apply. Otherwise, such complaints require no further reference to the Commission and are to be disposed off by the Organisations concerned themselves after taking required action.
- (iv) CVO should update the status of complaints sent for necessary action on the Commission's website at www.portal.cvc.gov.in (*Commission's Circular No. 004/VGL/020 (Pt.) dated 13.08.2020*).
- (v) At the time of forwarding the complaint to the CVO concerned for necessary action, an acknowledgement is also sent to the complainant. Further status in this regard would be available with the CVO only and hence, it would be appropriate for the complainant to approach the CVO/ organisation concerned for obtaining information about the same, if he so desires.

4.3.2 Complaint closed without any action:

The following categories of complaints would ordinarily be closed without taking any further action on the same: -

- (i) Complaints containing allegations of administrative nature such as transfer, posting, promotion, leave etc.
- (ii) Complaints not directly addressed to the Commission and/or endorsed to multiple authorities;
- (iii) Complaints which are anonymous/ pseudonymous or contain vague, frivolous, non-specific allegations;

- (iv) Complaints about sub-judice matter;
- (v) Complaints against private persons, State Government officials, members of Parliament or State Legislature, elected representatives of other bodies, members of judiciary officials or private organisations etc. which are not covered within the Commission's jurisdiction;
- (vi) Complaints which are illegible.

4.4 Procedure for handling Complaints received against Secretaries to GOI, Chief Executives/ CMDs and Functional Directors of PSEs, PSBs and FIs:

- (a) Complaints against Secretaries to the Government of India, received by the authorities other than the Commission will be referred to the Cabinet Secretariat for placing the same before the Group of Secretaries headed by the Cabinet Secretary. Similarly, complaints against the Chief Executives and Functional Directors of Public Sector Undertakings and the CMDs and Functional Directors of Public Sector Banks and Financial Institutions received by authorities other than the Commission will be placed before a group of officers headed by Secretary (Coordination) in Cabinet Secretariat. The detailed procedure for the same is laid down in DoPT's OM No. 104/100/2009-AVD.I dated 14.01.2010 as amended by Corrigendum of the same no. dated 08.03.2010 and in DPE's OM No. 15(1)/2010/DPE (GM), dated 11.03.2010 as amended by OM of the same no. dated 12.04.2010 and dated 11.05.2011.
- (b) In respect of complaints received in the Commission against Secretaries to Government of India, where an investigation report is to be sought by the Commission, the same would be sought through Secretary, DoPT.
- (c) The complaints received in the Commission against Chairman/ CMDs/ MDs/ CEOs/ Functional Directors of CPSEs/PSB, etc. would be forwarded to the CVO of the Administrative Ministry for obtaining Investigation Report or for Necessary Action.
- (d) Complaints referred by the Commission to the Ministries/Departments against categories of officials as mentioned in para 4.4 (b) and (c) above, are to be dealt/ inquired into and report be submitted to the Commission by the respective authorities to whom the complaints are sent. Such complaints or reports thereon should not be forwarded to the group of Secretaries or Group of Officers for consideration.
(Commission's Circular No. 010/VGL/008 dated 27.07.2010 and 14.03.2011).

CHAPTER-V

5.1 Action on Complaints received by Ministries/ Departments/Organization:-

Complaints received by the Ministries / Departments/ Organisation in respect of the employees under their administrative control are to be dealt with by the organisation concerned.

5.1.1 Initial action on complaints received by Ministries/Departments/Organizations:-

- (a) Every Vigilance Section/Unit will maintain a vigilance complaints register in Form CVO-1, in two separate parts for category 'A' and category 'B' employees. A Specimen of Form CVO-1 is annexed as Annexure-I to these guidelines. Category 'A' includes such employees who are covered under the jurisdiction of the Commission, whereas category 'B' includes other employees. If a complaint involves both categories of employees, it should be shown against the higher category i.e. Category 'A'.
- (b) Every complaint, irrespective of its source, would be entered in the prescribed format in the complaints register chronologically. A complaint containing allegations against several officers may be treated as one complaint for statistical purpose.
- (c) Entries of only those complaints in which there is an allegation of corruption or improper motive; or if the alleged facts prima facie indicate an element or potentiality of vigilance angle, should be made in the register. Complaints of purely administrative matters or technical lapses should not be entered in the register and should be dealt with separately under "non-vigilance complaints".
- (d) Complaint against an employee of a Public Sector Enterprise or an Autonomous Organisation received by the administrative ministry concerned and also in the Commission, will normally be sent for inquiry to the organisation where he is employed. Such complaints should be entered in the vigilance complaints register of that organisation only and not in the vigilance complaints register of the administrative ministry in order to avoid duplication and inflation of statistics, except in cases in which, for any special reason, it is proposed to deal with the matter in the Ministry itself without consulting the employer organisation.

5.1.2 Scrutiny of complaints

Each complaint will be examined by the Chief Vigilance Officer and following actions should be taken:

- (a) If the allegations are vague, general and prima facie unverifiable, complaint may be dropped and filed by CVO. Wherever considered necessary, Head of Department may also be consulted.
- (b) A further check, a preliminary inquiry/investigation may be made to verify the allegations to decide whether or not, the public servant concerned should be proceeded against departmentally or in a court of law or both, if complaints gives definite information to do so. Detailed guidelines about the nature of investigation and the agency, which should be entrusted with it, are given in *Chapter-V of Vigilance Manual 2021*. The information passed on by the CBI to the Ministry/ Department regarding the conduct of any of its officers should also be treated in the same way.

5.1.3 Disposal of complaints

- (a) A complaint which is registered can be dealt with as follows: (i) file it (close it) without or after investigation; or (ii) forward it to the CBI for investigation / appropriate action; or (iii) forward it to the authority concerned for appropriate action if no vigilance angle is involved; or (iv) to take up for detailed investigation by the vigilance wing of the organisation. An entry to that effect would be made in columns 6 and 7 of the Vigilance Complaint Register (Form CVO-1) with regard to “action taken” and “date of action” respectively. A complaint is to be treated as disposed off in Quarterly Performance Report (QPR) either on issue of charge-sheet or on final decision for closing or dropping the complaint. If a complaint is taken up for investigation by the vigilance wing or in cases in which it is decided to initiate departmental proceedings or criminal prosecution, further progress would be monitored through other relevant registers. If there were previous cases/complaints against the same officer, it should be indicated in the remarks column i.e. Column 8.
- (b) Complaints received from the Commission under the provisions of *PIDPI Resolution* are not required to be verified for genuineness by the organisations, as the process of verification/confirmation is completed in the Commission prior to referring it for investigation or further necessary action. Therefore, such complaints should be taken up for investigation by the organisations immediately receipt of the same from the Commission. Such complaints shall, in other words, be treated as registered, immediately on receipt. The authorities concerned are required to send the report to the Commission within three months from the date of receipt of the reference.
- (c) Complaints received by the Department where the Commission has called for Investigation Report, shall be treated as a signed complaint (not required to be verified for genuineness) and taken up for investigation.

(Commission's Circular No. 01/01/2015 dated 23.01.2015)

5.2 Action on Complaints received by CPSE, PSB, PSIC, etc.

In addition to the guidelines as defined in para 4.3 & sub-para 4.3.1 of these guidelines, the following aspects may also be taken care of by the CVOs of the above-mentioned organisations:

- (a) Initially, the decision about the existence of vigilance angle in a complaint may be taken by the CVO. The Disciplinary Authority (DA) may differ with the CVO within a period of 15 days, giving valid reasons. However, in case of difference of opinion between the CVO and the Disciplinary Authority (DA) regarding the existence of vigilance angle, the matter alongwith the investigation report on complaint would continue to be referred to the Commission for its first stage advice.
- (Commission's Circular No. 07/04/15 (015-MS-016) dated 27.04.2015)*
- (b) In exercise of its functions and powers, the Commission can call for a report in respect of any complaint having vigilance angle relating to an organisation covered under the Commission's jurisdiction. Wherever the Commission calls for ‘investigation and report’ on a complaint, the report of the investigation should normally be sent to the Commission. However, after investigation, if it is found that the officials involved in the case are not covered under Commission's jurisdiction, the matter may be dealt with by the CVO of the organisation concerned himself. However, action taken by the CVO may be intimated to

the Commission in order to monitor compliance. Further, it is clarified that in so far as PIDPI complaints are concerned, the Commission has jurisdiction over all officials (irrespective of their level) of the organisation covered under the Commission's jurisdiction. Therefore, in respect of PIDPI Complaints, investigation report is to be sent to the Commission, for all categories of officials.

[Vigilance Manual 2021 Chapter-III, Para 3.6(d)]

5.3 Handling of Complaints against Board level officials

(a) A complaint involving a Board-level appointee, whether figuring alone or in association with others, is to be forwarded by the CVO of the CPSE, PSIC, PSB or PSFI etc, to the CVO of the administrative ministry. Under no circumstances, CVO of an organization should initiate action against the Board-level appointee of his organization. The CVO of the administrative ministry would initiate action on such complaints in accordance with the instructions given in *Vigilance Manual 2021, Chapter-III, Para 3.5*

(b) In cases where the Commission calls for investigation and report against a Board level appointee, the CVO of the administrative ministry shall initiate investigation and furnish report to the Commission in the prescribed format.

(Commission's Circular No. 06/03/11 dated 14.03.2011)

(c) If the CVO of an administrative ministry asks for a factual report against a Board level appointee from the CVO of the organisation concerned, the latter will send the same to the CVO of the Ministry/ Department, after endorsing a copy of the report to the CMD. The CVO of the Ministry/ Department may make a reference to the Commission after collecting all the relevant facts and following the prescribed procedure.

[Vigilance Manual 2021 Chapter-III, Para 3.7(c)]

(d) If a complaint against a Board level appointee is directly received by the CPSEs/PSBs/PSICs/PSFI etc., the CVO shall forward the same to the CVO of the administrative ministry for consideration.

[Vigilance Manual 2021 Chapter-III, Para 3.7(d)]

(e) In the case of PSEs and PSBs, sometimes, it is found that there is a spate of complains against individuals whose names are being considered/ finalized for Board Level appointments. Similarly, when an official is due for promotion, sometimes old complaints are taken cognizance of and investigation is started against the official. In order to avoid unnecessary harassment to the officials, against whom frivolous complaints are received at the time of their promotion, selection or empanelment, the Commission has decided that for the purpose of giving vigilance clearance in such cases: -

i. As a rule, complaints /cases which are more than 5 years old and against which no action has been taken till then, should not be taken into cognizance. However, the limit of 5 years will not apply to cases of fraud and other criminal offences; and

ii. No cognizance should be taken of any complaint which is received up to 6 months prior to the initiation of selection process for Board level officials.

(Commission's Office Order No. 57/8/04 dated 31.08.2004)

5.4 Handling of Complaints against CVO, VO, etc.

Any complaints against the CVO should be immediately referred to the Commission and the Commission would decide the further course of action thereon. However, the complaints against the other vigilance functionaries shall be looked into by the CVO personally and further action would be taken as per prescribed procedure.

5.5 Action on Complaints received from Members of Parliament and dignitaries:

References received from Members of Parliament and Dignitaries are to be dealt as per procedure laid down in Central Secretariat Manual of Office Procedure brought out by the Department of Administrative Reforms and Public Grievances. A confirmation about lodging the complaint shall be sought from the dignitary. On receipt of confirmation, the complaint shall be dealt with on priority.

(Refer to Annexure-II of these guidelines)

5.6 Action on Anonymous/Pseudonymous Complaints

5.6.1 DoPT's OM No. 104/76/2011-AVD.I dated 18.10.2013 and Commission's Circular No. 07/11/2014 dated 25.11.2014 provide that no action is required to be taken on anonymous complaints irrespective of the nature of the allegations and such complaints need to be filed.

5.6.2 The Commission has furnished clarification vide Circular No. 03/03/16 dated 07.03.2016 regarding action to be taken on anonymous/ pseudonymous complaints which were acted upon and were at different stages of process (including disciplinary proceedings) before issuance of Commission's Circular No. 07/11/2014 dated 25.11.2014. The following actions are to be taken in such matters:-

- (a) No action should be taken on anonymous/ pseudonymous complaints in line with Commission's Circular No. 07/11/2014 dated 25.11.2014, and such complaints should be filed.
- (b) However, where the action was initiated on anonymous/pseudonymous complaints prior to the issuance of Commission's Circular No. 3(v)/99/2 dated 29.06.1999; it can be pursued further and be taken to its logical end.
- (c) Where action was initiated on anonymous/pseudonymous complaints between the period 11.10.2002 and 25.11.2014 with prior concurrence of the Commission but the same has not been concluded, further action is permissible on such complaints.
- (d) Material/evidence gathered during the investigation/verification of anonymous complaints when the action was prohibited on such complaints (i.e. between 29.06.1999 & 11.10.2002), or where such inquiry was initiated without the approval of the Commission, can be utilized for further initiation of disciplinary proceedings on misconducts noticed in such verification/inquiry.

5.6.3 It may be noted that the procedure for handling anonymous / pseudonymous complaints has been modified in view of the fact that complainants who desire to protect their identity now have the protection of the Public Interest Disclosure & Protection of Informers

Resolution- 2004 (PIDPIR). Relevant instructions on this have been issued vide DoPT's OM No. 104/76/2011-AVD.I dated 18.10.2013.

CHAPTER-VI

PIDPI COMPLAINTS

Introduction

The Hon'ble Supreme Court of India, while hearing the Writ Petition (C) no. 539/2003 relating to the murder of Sh. Satyendra Dubey, directed the Government of India to set up a suitable mechanism for receipt and enactment of complaints from "Whistle-Blowers". Accordingly, Department of Personnel and Training issued Resolution No. 89 dated 21st April, 2004, commonly known as Public Interest Disclosure and Protection of Informers Resolution, 2004, resolving to set up a mechanism by which a complainant can lodge a complaint in the prescribed manner and also seek protection against his victimisation for doing so. (Such complainants, called Whistle Blowers, are entitled to non-disclosures of their identity publically, unless, they themselves do so). The Central Vigilance Commission has been authorised under the PIDPI Resolution, as the Designated Agency to receive complaints from whistle blowers.

6.1 Provisions of PIDPI Resolution

The Government of India vide Gazette Notification No. 371/12/2002-AVD-III dated 21.04.2004 r/w Corrigendum dated 29.04.2004 notified the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution, 2004, wherein the following provisions relating to the complaints being lodged by Whistle-Blowers have been made:-

- (a) The Central Vigilance Commission is authorised as the "Designated Agency" to receive written complaints or disclosure on any allegation of corruption or of misuse of office by any employee of the Central Government or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government.
- (b) Any public servant or a person including an NGO can make written disclosure to the designated agency except those referred in clauses (a) to (d) of Article 33 of Constitution.
- (c) The designated agency may call for further information or particulars from the persons making the disclosure.
- (d) Anonymous complaints shall not be acted upon.
- (e) The identity of the complainant will not be revealed unless the complainant himself has disclosed his identity.
- (f) The Head of the Department/Organisation to keep the identity of informant secret if he comes to know about it.
- (g) The designated agency may call the comments/explanations of the Head of Department/Organisation on the disclosure made.
- (h) The designated agency may seek the assistance of CBI or the police authorities to complete the investigation pursuant to the complaint received.

- (i) The designated agency on finding the allegation of misuse of office or corruption substantive, shall recommend appropriate action to the Department or Organisation concerned.
- (j) If the informant feels that he is being victimised, he may make an application before the designated agency seeking redressal in the matter. The designated agency may give suitable directions to the public servant or the public authority concerned.
- (k) If on an application or on the basis of information gathered, the designated agency is of the opinion that the complainant or the witness need protection, it shall issue appropriate directions to the Government authorities concerned; and
- (l) In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

6.2 Amendments to PIDPI Resolution:

The DoPT vide Notification No. 371/4/2013-AVD.III dated 14.08.2013 partially amended the PIDPI Resolution, 2004. The amended provisions are as under: -

- (a) The Chief Vigilance Officers of the Ministries or Departments of the Government of India are also authorised as the "Designated Authority" to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.
- (b) Either on receipt of application from the complainant, or on the basis of the information gathered otherwise, if the designated authority is of the opinion that either the complainant or the witnesses need protection, the designated authority, shall take up the matter with the Central Vigilance Commission, for issuing appropriate directions to the Government authorities concerned.
- (c) The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.

6.3 Guidelines for the PIDPI Complainant

In furtherance of the PIDPI Resolution, 2004, Central Vigilance Commission vide Office Order No. 33/5/2004 dated 17.05.2004 issued guidelines and Public Notice regarding the procedure to be followed for filing whistle-blower complaints under the PIDPI Resolution, 2004, to ensure that the identity of complainant is kept secret. The following procedure has been prescribed in the public notice: -

- (a) The complaint should be in a closed / secured envelope.
 - (b) The envelope should be addressed to Secretary, Central Vigilance Commission and should be super-scribed "**Complaint under the Public Interest Disclosure**". The complainant should give his/her name and address in the beginning or end of complaint or in an attached letter.
- (Para 4.2(b) of Vigilance Manual 2021)*
- (c) Commission will not entertain anonymous / pseudonymous complaints.

- (d) The text of the complaint should be carefully drafted so as not to give any details or clue as to the complainant's identity. However, the details of the complaint should be specific and verifiable.
- (e) In order to protect identity of the person, the Commission will not issue any acknowledgement and the whistle-blowers are advised not to enter into any further correspondence with the Commission in their own interest. If any further clarification is required, the Commission will get in touch with the complainant.

(Para 4.2(b) of Vigilance Manual 2021)

- (f) On the advice of the Commission, in order to maintain confidentiality about the complainant's identity, the Department of Posts vide Circular No. 31-01/2021-PO dated 03.03.2021 has directed all post offices not to insist on the name and address of the complainant. It is mandatory for all post offices. The directions are reproduced as below:-

“Any article, addressed to the CVC as well as CVOs posted with the superannuation “Complaint under the Public Interest Disclosure” or “PIDPI Complaint” on the outside of the envelope of the article, can be accepted for posting registration and speed post service, without the name and complete address including mobile number & email address of the sender”.

- (g) The Commission can also take action against complainants making motivated/vexatious complaints under this Resolution.

6.4 Procedure adopted by Central Vigilance Commission on PIDPI Complaint

- (a) Complaints received under PIDPI Resolution are opened in a separate section, specially created for dealing with complaints from Whistle-Blowers. The section is called ‘Confidential Section’ and parallel files (separate file for each complaint) are created after concealing the name and address of the complainant.
- (b) Pseudonymous/ Anonymous PIDPI complaints will be filed and no action will be taken. The complaints which have been addressed to other / several authorities are not treated as complaint under PIDPI Resolution and are forwarded by the Confidential Section to the Vigilance Section concerned of the Commission for taking necessary action under Complaint Handling Policy of the Commission.
- (c) In respect of those complaints which are considered fit for processing under PIDPI Resolution, a letter is sent to the complainant to obtain (a) confirmation as to whether he / she has made the complaint or not and (b) a certificate that that he / she has not made similar / identical allegation of corruption / misuse of office to any other authorities to qualify as a Whistle Blower Complainant. Prescribed time limit for receiving the confirmation and the certificate from the Complainant is 30 days from the date of receipt of Commission's letter by the complainant. In case of no response within the prescribed time limit, a reminder is issued, giving additional two weeks' time to the complainant for sending confirmation and the certificate, to the Commission. If there is still no response from the complainant, the complaint is sent to the Branch concerned of the Commission for necessary action under Complaint Handling Policy of the Commission.
- (d) The Commission has decided to discontinue the practice of obtaining NOC from the Whistle Blower/complainant.

(Commission's Public Notice dated 30.07.2021)

- (e) After receiving necessary confirmation from the complainant, the complaint is placed before the Screening Committee for decision.
- (f) The Screening Committee is headed by the Secretary and the Additional Secretaries of the Commission are members. The Screening Committee examines all complaints and recommends complaints for Investigation and Report (I & R) / Necessary Action (NA) / Filing.
- (g) When a complaint is put up to the Screening Committee, if it is found that there are certain shortcomings due to which it does not fulfil the eligibility criteria, it will be returned to the complainant, clearly enumerating the reasons for not fulfilling the eligibility criteria. The complaint will then be closed in the Commission. Thereafter, the complainant has the option of either sending a fresh regular complaint to the Central Vigilance Commission under its Complaint Handling Policy or may again lodge a fresh complaint if desired under PIDPI Resolution after removal of the deficiencies.
(Commission's Public Notice dated 30.07.2021)
- (h) The complaints, where necessary action has been recommended by the Screening Committee, are referred to the Vigilance Branch concerned for further action. Complaints recommended for investigation and report is sent to the Vigilance Branch concerned of the Commission for further action after approval of the Commission. The Commission has prescribed a period of 12 weeks from the date of receipt of reference from the Commission, for the organizations to submit investigation report.
(Commission's Circular No. 12/09/18 dated 28.09.2018)
- (i) The complaints/ disclosures already categorized as Non-Public Interest Disclosure and Protection of Informers (Non-PIDPI) complaints/ cases where No Objection Certificate was received from the complainant before issuance of Public Notice dated 30.07.2021 will continue to be processed as per *Commission's Public Notice dated 24.04.2019*.

6.5 Protection for Whistleblowers

6.5.1 The PIDPI Resolution dated 21.04.2004 provides for the following provisions for protection of Whistle Blowers: -

- (a) Clause 6 - If any person is aggrieved by any action on the ground that he is being victimized due to the fact that he had filed a complaint or disclosure, he may file an application before the designated agency i.e. CVC, seeking redressal in the matter, who shall take such action as deemed fit. The designated agency may give suitable directions to the public servant or the public authority concerned as the case may be.
- (b) Clause 7 - Either on the application of the complainant, or on the basis of the information gathered, if the designated agency is of the opinion that either the complainant or the witnesses need protection, the designated agency shall issue appropriate directions to the Government authorities concerned.
- (c) Clause 11 – In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

6.5.2 The Commission, after receipt of representation (s) from Whistle Blowers about threat to their life, takes up the matter with the Ministry of Home Affairs, the Nodal Agency, to undertake the responsibility of providing security cover to the genuine Whistle Blowers. On the advice of the Ministry of Home Affairs, State Government/UTs have appointed

Nodal Officers and details of such officers nominated by State Governments are furnished to the Commission from time to time by the Ministry of Home Affairs.

6.5.3 As regards protection against victimisation or harassment within the organisation, the Commission forwards such complaints of Whistle Blowers to the CVO of the organization concerned for appropriate action.

6.6 Supervision and Monitoring of Designated Authority

Clause 11A of PIDPI Resolution dated 14.08.2013 (amendments) provides that the Central Vigilance Commission shall supervise and monitor the complaints received by the Designated Authorities. A report on PIDPI complaints received by Designated Authorities, including cases of alleged harassment/victimisation received, are required to be sent to the Commission by the CVOs of the respective Ministries/ Departments.

CHAPTER-VII

Miscellaneous

7.1 Systemic Improvement

It should be ensured by the organisations concerned that each and every complaint and the resultant investigation report is scrutinized thoroughly to find out the possibility of systemic lacunae, that may have resulted in irregular acts being committed by the suspected officials. The outcome of such a scrutiny should be utilized to devise and implement systemic improvements to stop recurrence of such irregular acts. The organisation should prepare case-studies giving details of modus-operandi alongwith corrective measures and the same should be circulated in the organisation for educating/ alerting the officials/authorities. In case, it is felt that the systemic loopholes that have come to notice may have effect across the industry or among other organisations also, the permissible details may be shared with the administrative Ministry/ Department, the regulatory authorities concerned and also with the Commission, for issuing appropriate guidelines, as may be deemed fit.

7.2 Reporting and Review of complaints

It is the responsibility of the CVO to review all complaints pending for investigation in the Organisations at regular intervals, preferably in the first week of every month and take necessary steps for ensuring expeditious finalization of reports and further necessary action, as may be required in individual cases.

(Detailed guidelines may be seen in Para 4.2(c) of these guidelines).

7.3 Various timelines related to complaints

The Commission has been laying emphasis on timely/ prompt action on complaints in order to ensure that irregularities, if committed, are surfaced at the earliest possible and all preventive/ punitive measures can be taken expeditiously. For this purpose, the Commission has issued guidelines on various occasions, specifying the time limit for dealing with complaints. The same as summaries in the following table: -

| Sr. No. | Description | Timeline |
|---------|--|---|
| 1 | Timeline for seeking confirmation from complainant before initiating Investigation process. | 15 days |
| 2 | If confirmation not received within 15 days reminder to be sent to complainant. (If no response received even after reminder, complaint may be filed treating as pseudonymous complaints.) | 15 days |
| 3 | Timeline for submission of Investigation Report to the Commission on Complaints referred by it to the CVOs concerned for investigation. | 3 months (or as may be specified by the Commission, in individual matter) |
| 4 | In case, it is felt that it would not be possible to complete the investigation within the specified period, time limit | 15 days |

| | | |
|---|---|----------|
| | for approaching the Commission for seeking extension of time, with the approval of the competent authority. | |
| 5 | Timeline for submission of investigation report in PIDPI complaints, referred by the Commission. | 12 weeks |
| 6 | Timeline for submitting response by CVOs to the Commission in respect of references made by it to CBI/ Ministries for clarification/comments in the matter of complaints. | 6 weeks |
| 7 | Timeline for CVOs to scrutinize and decide about action to be taken on the complaints sent by the Commission for necessary action to the CVOs concerned. | 1 month |
| 8 | Timeline for giving opinion by the Disciplinary Authority, about existence of vigilance angle in complaint, in case of difference of opinion with CVO | 15 ays |

7.4 Withdrawal of Complaints by Complainant

It is to be noted that once a complainant confirms the complaint and investigation has been initiated by the Commission/ Organisation, it is not permissible to withdraw/ stop the investigation, even if the complainant requests for withdrawal or for stopping the investigation. The allegations contained in the complaint have to be taken to their logical conclusion, once investigation has started.

7.5 Action against persons making false complaints

There are specific provisions in law to deal with false, frivolous, and motivated complaints. The same are not evoked ordinarily for the sake of genuine complainants. However, in cases where it can be established that the complaints were lodged with a malafide/ulterior motive to harass or harm an innocent Government servant, necessary action could be taken against such complainants as per law.

The following actions may be taken against persons making false complaints:-

- (a) Under *Section 182 of the Indian Penal Code, 1860*, a person making false complaint can be prosecuted.
- (b) Under section 195(1)(a) of *Code of Criminal Procedure, 1973* a person making a false complaint can be prosecuted on the basis of a complaint lodged with a court of competent jurisdiction by the public servant to whom the false Complaint was made or by some other public servant to whom he is subordinate.
- (c) If the person making a false complaint is a public servant, departmental action may also be considered against him as an alternative to prosecution.

- 7.6** The Commission is responsible for advising Ministries/Departments in the matters related to integrity in administration as also to exercise a general check and supervision for overall effective Vigilance Administration. For this purpose, Commission has powers to call for reports, returns and statements. The Commission may, if deemed necessary, conduct inquiry/ investigation, of its own, as per its functions and powers.

(Section 8(1)(c), 8(1)(d) and Section 11 of CVC Act)

Annexure-I

PROFORMA

CVO-1

C.V.O. Register 1 of complaints to be maintained in separate columns for category A and Category B employees.

| A. No. | Source of Complaint (See N.B.1) | Date of receipt | Name and designation of officers(s) complained against | Reference to file No. | Action taken (See N.B.2) | Date of action | Remarks (See N.B.3) |
|--------|---------------------------------|-----------------|--|-----------------------|--------------------------|----------------|---------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

N.B:

1. A Complaint includes all types of information containing allegations of misconduct against public servants, including petitions from aggrieved parties, information passed on to the CVO by CVC, and CBI, press reports, findings in inspection reports, audit paras, PAC reports, etc. In the case of petitions the name and address of the complainants should be mentioned in Col. 2 and 1 and in other cases, the sources as clarified above should be mentioned.
2. Action taken will be of the following types: (a) filed without enquiry (b) Filed after enquiry (c) Passed on to other sections as having no vigilance angle (c) Taken up for investigation by Departmental vigilance agency.
3. Remarks Column should mention (a) and (b).
 - (a) If there were previous cases / complaints against the same officer, the facts should be mentioned in the "Remarks" column.
 - (b) Date of charge-sheet issued, wherever necessary.



(Extracts from CENTRAL SECRETARIAT MANUAL OF OFFICE PROCEDURE,
14th Edition, May 2015)

CHAPTER-V

37. Correspondence with Members of Parliament and VIPs—

- (i) Communications received from Members of Parliament and VIPs should be attended to promptly.
- (ii) Where a communication is addressed to a Minister, it shall, as far as possible, be replied to by the Minister himself. In other cases, a reply should normally be signed by an officer of the rank of Secretary only.
- (iii) Where, however, a communication is addressed to the head of an attached or subordinate office, Public Sector Undertakings, Financial Institutions (including Nationalised Banks, Division / Branch In charge in a Ministry / Department / Organisation, shall be replied to by the addressee himself. In routine matters, he may send an appropriate reply on his own. In policy matters, however, the officer should have prior consultation with higher authorities before sending a reply. It should, however, be ensured that the minimum level at which such replies are sent to Members of Parliament and VIPs is that of Under Secretary and that also in letter form only.
- (iv) Normally information sought by a Member / VIP should be supplied unless it is of such a nature that it would have been denied to him even if asked for on the floor of the Houses of Parliament.
- (v) In case, a reference from an ex-Member of Parliament is addressed to a Minister or Secretary, reply to such reference may be sent by a Joint Secretary level officer after obtaining approval of the Secretary of the Ministry / Department. In case the reference is addressed to a lower-level officer, reply to such reference could be sent by the officer on his own in non-policy cases and after obtaining approval of the higher authorities in policy cases. However, the minimum level at which reply could be sent should be that of an Under Secretary and that too in a polite letter form only.
- (vi) Each communication received from a Member of Parliament / VIP, shall be acknowledged within 15 days, followed by a reply within the next 15 days of acknowledgement sent.
- (vii) Appropriate record shall be maintained in respect of communications received from Members of Parliament and VIPs and monitored by all concerned. A similar procedure may also be followed for judicial / quasi-judicial matters.

CHAPTER XI

CHECKS ON DELAYS

60. Timely Disposal of receipts and monitoring of Parliamentary Assurances, Parliament Questions, Applications under RTI Act, 2005, MP / VIP References, CAT / Court Cases, etc. –

Time Limits will be fixed for disposal of as many types of cases as possible handled in the Department through Departmental instructions. As a general rule, no official shall keep a case pending for more than 7 working days unless higher limits have been prescribed for specific types of cases through Departmental instructions. In case of a case remaining with an official for more than the stipulated time limit, an explanation for keeping it pending shall be recorded on the note portion by him. The system of exception reporting will be introduced to monitor the disposal of receipts. For timely disposal and monitoring of Parliament Assurances, Parliament Questions, Applications under RTI Act, 2005, MP / VIP References, Judicial / quasi-judicial, etc. each Department shall maintain separate records of such cases.

E-Governance methods, suiting to the requirements, should also be adopted for monitoring and tracking of Government work.
