

COMPLAINT HANDLING PROCEDURE

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Procedure for lodging complaint with the Vigilance:

Please follow the guidelines and act strictly according to the procedure:

- * Complaint can be lodge only against officials belonging to the Railway Organisation / Undertakings over which Vigilance Branch, West Central Railway, Jabalpur has jurisdiction: -

The Complaints has no jurisdiction over private individuals and State Governments. Therefore please do not lodge complaints against officials of theses organizations to the Vigilance

- * The Vigilance does not entertain anonymous/pseudonymous complaints so please give your proper name and address.

Anonymous complaints: A complaint which does not bear the name and address of the complainant is an anonymous complaint.

Pseudonymous complaints: A complaint which does not bear the signatures of the complainant or which on verification is not owned by the person in whose name it is made is to be considered a pseudonymous complaint.

- * Complaint must be brief and contain factual details, verifiable facts and related matters. They should not be vague or contain absurd allegations and sweeping statements since are liable to be filed.
- * Complaints about corruption, malpractices or misconduct on the part of Railway Servants may be received directly by Vigilance Directorate of the Railway Board and the Vigilance organization on the Zonal Railway or may be forwarded to Vigilance Department after receipt by following organizations: -

- (a) Any Railway administrative authority.
- (b) Central Vigilance Commission.
- (c) The Central Bureau of Investigation and Police Authorities when they do not intend to make any investigations.
- (d) Ministries and Departments other than the Ministry of Railways and zonal Railway.
- (e) The term Zonal Railway when used in this chapter will include Production Unit/RDSO and other attached units having a full time/part time Vigilance Officer.

- * **Registration of complaints**: Every complaint from whatever source it may be received will be entered chronologically as it is received in the register of complaints maintained in vigilance unit.

- * **Verification of genuineness of complaint**: Genuineness of the complaint will be verified by one of the following two methods: -
 - (a) By sending an acknowledgement due registered letter by post asking for a confirmation from the complainant within certain time limit that the complaint has been made by him, and
 - (b) By deputing an authorized official to contact the complainant.Board has decided that in case of signed complaints, the investigating officers should try to contact the complainant also during the course of investigation. This may be brought to the notice of all Vigilance officers/Inspectors for information and compliance accordingly.

- * **Complaint found pseudonymous on verification**: If a complaint turns out to be a pseudonymous complaint it will be filed with the approval of the Chief Vigilance Officer. If a complaint sent by Vigilance Directorate to a Vigilance Unit for investigation and report by them turns out to be pseudonymous on verification by the Vigilance Unit, investigation into complaint should not be conducted without advising this fact to Railway Board and obtaining their instructions to further course of action to be adopted.

*** GOI Resolution on Public Interest Disclosure and Protection of Informer**

The Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) had issued a public notice vide No. 371/12/2002 – AVD.III dt. 21/29.4.04 which has been published in the Gazette of India. The Central Vigilance Commission has also issued a Public Notice in this regard which is given below:

Public Notice
GOI Resolution on Public Interest Disclosure and Protection of Informer

The Government of India has authorized the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

2. The jurisdiction of the Commission in this regard would be restricted to 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. **Personnel employed by the State Governments and activities of the State Governments or its Corporations etc. will not come under the purview of the Commission.**

3. In this regard, the Commission, which will accept such complaints, has the responsibility of keeping the identity of the complainant secret. **Hence, it is informed to the general public that any complaint, which is to be made under this resolution should comply with the following aspects.**

i) The complaint should be in a **closed/secured envelope**.

ii) The envelope should be addressed to Secretary, Central Vigilance Commission and should be **superscribed "Complaint under The Public Interest Disclosure"**. If the envelope is not superscribed and closed, it will not be possible for the Commission to protect the complainant under the above resolution and the complaint will be dealt with as per the normal complaint policy of the Commission. The complainant should give his/her name and address in the beginning or end of complaint or in an attached letter.

iii) Commission will **not entertain anonymous/pseudonymous** complaints.

iv) The text of the complaint should be carefully drafted so as **not to give any details or clue as to his/her identity**. However, the details of the complaint should be specific and verifiable.

- v) 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. The Commission assures that, subject to the facts of the case being verifiable, it will take the necessary action, as provided under the Government of India Resolution mentioned above. If any further clarification is required, the Commission will get in touch with the complainant.
4. The Commission can also take **action against complainants making motivated/ vexatious complaints** under this Resolution.
5. A copy of detailed notification is available on the web-site of the Commission **<http://www.cvc.nic.in>**.

GOI Resolution on Public Interest Disclosure and Protection of Informer

In continuation of Board's letter of even number dated 13.5.04 (RBV No. 10/2004) on the above subject, a copy of the Gazette of India Extraordinary, Part 1- Action 1 referred to therein, is enclosed for ready reference.

The Ministry of Personnel, Public Grievances and Pensions

(Department of Personnel and Training)

RESOLUTION

New Delhi, the 21 st April, 2004

No. 371/12/2002 – AVD.III "Whereas while hearing writ petition (C) No. 539/2003 regarding the murder of Shri Satyendra Dubey, the question of a suitable machinery for acting on complaints from 'whistle blowers' arose"

And whereas the "The Public Interest Disclosure and Protection of Informers" Bill, 2002, drafted by the Law Commission is under examination.

Now, therefore, the Central Government hereby resolves as under :

1. The Central Vigilance Commission (CVC) is hereby authorized, as the designated Agency, to receive written complaints or disclosure on any allegation of corruption or misuse of office by any employee of the Central Government or of any Corporation established by or under any Central Act, Govt. Companies, Societies or local authorities owned or controlled by the Central Govt. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other material.

2. The designation agency may, if it deems fit, call for further information or particulars from the persons making the disclosure. If the complaint is anonymous, the designated agency shall not take any action in the matter.

3. Notwithstanding anything contained in the Official Secrets Act, 1923, any public servant other than those referred to clauses (a) to (d) of article 33 of the Constitution of any other person including any non-governmental organization, may make a written disclosure to the designated agency.

4. If the complaint is accompanied by particulars of the person making the complaint, the designated agency shall take the following steps:

(i) The designated agency will ascertain from the complainant whether he was the person who made the complaint or not.

(ii) The identity of the complainant will not be revealed unless the complainant himself has made the details of the complaint either public or disclosed his identity to any other office or authority.

(iii) After concealing the identity of the complainant, the designated agency shall make, in the first instance, discreet inquiries to ascertain if there is any basis of proceeding further with the complaint. For this purpose, the designated agency shall devise an appropriate machinery.

(iv) Either as a result of the discreet inquiry, or on the basis of the complaint itself without any inquiry, if the designated agency is of the opinion that the matter requires to be investigated further, the designated agency shall officially seek comments/or explanation from the Head of the Department of the concerned Organization or office. While doing so, the designated agency shall not disclose the identity of the informant and also shall request the concerned Head of the Organization to keep the identity of the informant secret, if for any reason, the concerned Head comes to know the identity.

(v) After obtaining the response of the concerned Organization, if the designated agency is of the opinion that the investigations reveal either misuse of office or substantiate allegation of corruption, the designated agency shall recommend appropriate action to the concerned Govt. Department or Organization. These shall, *inter alia*, include following:

(a) Appropriate proceedings to be initiated against the concerned Government servant.

(b) Appropriate administrative steps for redressing the loss caused to the Government as a result of the corrupt act or misuse of office, as the case may be.

(c) Recommend to the appropriate authority/agency initiation of criminal proceedings in suitable cases, if warranted by the facts and circumstances of the case.

(d) Recommend taking of corrective measures to prevent recurrence of such events in future.

5. For the purpose of making discreet inquiry or obtaining information from the concerned organisation, the designated agency shall be authorized to call upon the CBI or the police authorities, as considered necessary, to render all assistance to complete the investigation pursuant to the complaint received.

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 seeking redress in the matter, who shall take such action, as deemed fit. The designated agency may give suitable directions to the concerned public servant or the public authority as the case may be.

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 concerned Government authorities.

8. The machinery evolved herein shall be in addition to the existing mechanisms in place. However, secrecy of identity shall be observed, only if the complaint is received under this machinery.

9. In case the designated agency finds the complaint to be motivated or vexatious, the designated agency shall be at liberty to take appropriate steps.

10. The designated agency shall not entertain or inquiry into any disclosure

(a) in respect of which a formal and public inquiry had been ordered under Public Servants Inquiries Act, 1850 or

(b) in respect of a matter which has been referred for inquiries under the Commissions of Inquiry Act, 1952.

11. In the event of the identity of the informant being disclosed inspite of the designated agency's directions to the contrary, the designated agency is authorized to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

12. The machinery created herein shall operate till Parliament passes a Law on the subject.

*** Expeditious investigation of complaints received through the Central Vigilance Commission.**

During the Annual Zonal Meeting held by the CVC with the Chief Vigilance Officers of various organizations, including Railways, the Commission stressed upon the importance of complaints stating that complaints are the key indicator of the malaise in the system and effectiveness of the Vigilance organization depends on how quickly the complaints are attended to and disposed of.

2. The Commission pointed out that even though only a limited number of complaints are sent by CVC for investigation and report, these complaints do not receive urgent attention. CVC desired that complaints sent by the Commission should be processed within a proper and reasonable time frame.

3. The Commission desired that in the event of investigations into such complaints getting delayed due to reasons such as non-production of records/information by the organizations, the CVO should bring such facts to the notice of the Commission for further direction. CVC indicated that where there was undue delay in handling of complaints, the Commission would invoke the provisions contained in Sections 8 and 11 of the CVC Act and conduct inquiry on its own and in such cases, the CVOs/CEOs would be required to come to the Commission along with documents and explain to the Commission the reasons for delay.

4. The observations of the Commission are a severe indictment of the working of the Vigilance organization. It is imperative that complaints, received through the Commission, are investigated on priority and in all cases the investigation reports should be sent to the Board within a period of three months from receipt of the complaints.

5. Complaints alleging victimization/ harassment of suppliers/contractors, who have complained against the organization, should be treated seriously and the complainants should be protected by ensuring that they do not suffer on this account in future contracts/assignments. Similarly, complaints from employees against their seniors may be treated as source complaints and name of the complainants should be concealed to ensure non-victimisation of the complainant.