

NTPC LIMITED

(A GOVT. OF INDIA ENTERPRISE)

Complaint Handling Policy

(Revised on 10.05.2023)

VIGILANCE DEPARTMENT

**NTPC Bhawan, Scope Complex, 7, Institutional Area
Lodhi Road, New Delhi - 110 003.**

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1.0 Introduction: -

- 1.1 NTPC believes in the highest level of personal and institutional integrity. The core values of the Company are 'ICOMIT' - Integrity, Customer Focus, Organizational Pride, Mutual Respect & Trust, Innovation & Learning, and Total Quality & Safety.
The Company has zero tolerance approach towards any form of corruption.
- 1.2 The Complaint Handling Policy is designed to provide guidance on the manner in which NTPC receives and handles complaints against its employees, suppliers / contractors etc.
- 1.3 The objective of the Policy is to assist the Management and public in handling of complaints in an efficient, effective and professional manner wherein every possible step is taken to ensure that instances of misconduct, lapses, etc. do not escape scrutiny and action, while at the same time, the morale of the employees is not adversely affected by complaints of trivial nature.
- 1.4 The Chief Vigilance Officer (CVO) and Heads of Projects / Regions / Offices may initiate an enquiry into any complaint concerning the functions / activities of any of the projects / Regions/ Joint Ventures / subsidiaries / CC of the company.
- 1.5 This policy has been designed in line with the guidelines / instructions issued by Government of India and Central Vigilance Commission (CVC), from time to time.
- 1.6 Philosophy of complaint handling: -
 - The Complaint Handling Policy is available on NTPC website and also on the company intranet.
 - The Complaint Handling Policy is readily accessible to all stake holders and public. The Policy is easy to understand and includes details on making and resolving complaints.
 - Complaints given in person are acknowledged immediately / Complainants will be treated courteously.
 - Each complaint is addressed in an equitable, objective and unbiased manner in line with the Complaint Handling Policy.
 - There is no fee/cost to the complainant for making a complaint.
 - A person making false complaints is liable for prosecution and/or disciplinary action, in case he/she is a public servant / employee of NTPC.
 - Information regarding personal identity etc. of complainants shall not be disclosed, if so desired by the complainant.
 - The Vigilance Officer will ensure that the complaints are addressed in transparent and fair manner within the specified/reasonable time frame.

- Based on the feedback received, the Company shall initiate necessary action for systemic improvements.

2.0 Complaints: -

A Vigilance-complaint is a piece of statement or information from various sources containing details about offences i.e. corruption, malpractices or misconduct alleged to have been committed in violation of provisions of Conduct, Discipline and Appeal (CDA) Rules or Standing Orders governing employees of NTPC and in violation of provisions of Prevention of Corruption Act (PC Act), 1988 and having Vigilance Angle.

**Note: Any other complaint, not falling under above criteria, shall be treated as Non-Vigilance-complaint.*

3.0 Definition of Vigilance Angle: -

Vigilance angle is obvious in the following acts:

- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his/her influence with any other employees.
- (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he/she has or likely to have official dealings or his/her subordinates have official dealings or where he/she can exert influence.
- (iii) Obtaining for himself/herself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his/her position as a public servant.
- (iv) Possession of assets disproportionate to his/her known source of income.
- (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.
- (vi) There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer's integrity is in doubt. Gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible/public interest is evident; failure to keep the controlling authority/superiors informed in the time- these are some of the irregularities where the disciplinary authority with the help of the Chief Vigilance Officer (CVO) should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.

- (vii) Also, any undue/unjustified delay in the disposal of matter, perceived after considering all relevant factors, would reinforce a conclusion as to presence of Vigilance angle.

[Clause 1.4 of Chapter-I of CVC-Vigilance Manual 2021]

Commercial risk taking forms part of business. Therefore, every loss caused to the organization, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a Vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instruction, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organization is one possible criterion for determining the bona fides of the case. A positive response to this question may indicate the existence of bona-fides. A negative reply, on the other hand, might indicate their absence.

[Clause 1.4.2 of Chapter-I of CVC Vigilance Manual 2021]

4.0 Jurisdiction of the Vigilance Department: -

The Vigilance-Complaints can be lodged only against employees of NTPC. The Vigilance Department has no jurisdiction over private individuals and other Government Organizations.

5.0 Sources of Complaints: -

Information about corruption, malpractice or misconduct on the part of NTPC employees, suppliers/contractors etc. may be received from any of the following or other sources: -

- (i) Complaints received from employee(s) of NTPC Ltd. or from the public;
- (ii) Departmental inspection reports and stock verification surveys;
- (iii) Scrutiny of Annual Property Returns (APR)
- (iv) Scrutiny of transactions reported under the CDA Rules;
- (v) Reports of irregularities in accounts detected in the routine audit of accounts; e.g., tampering with records, over-payments, misappropriation of money or materials, etc.;
- (vi) Audit reports on NTPC accounts, CAG Report etc.;
- (vii) Reports of Parliamentary Committees like the Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings;
- (viii) Proceedings of the Houses of Parliament;
- (ix) Complaints and allegations appearing in the press, etc.;

- (x) Source information, if received verbally from an identifiable source, to be reduced in writing; and
- (xi) Intelligence gathered by agencies like Central Bureau of Investigation (CBI), Anti-Corruption Bureau (ACB), Lokayuktas, etc.

[Clause 3.1.1 of Chapter-III of CVC Vigilance Manual 2021]

In addition, the Chief Vigilance Officer may also devise and adopt such methods, as considered appropriate and fruitful in the context of nature of work handled in NTPC, for collecting information about any malpractice and misconduct among the employees. Similarly, CVO can also scrutinize the news items relevant to the organization on a continuous basis to check whether any cases of corruption are revealed in them.

[Clause 3.1.2 of Chapter-III of CVC Vigilance Manual 2021]

Complaints may also be received from or forwarded by: -

- (a) Central Vigilance Commission made under Public Interest Disclosure or otherwise.
- (b) The President's Secretariat and the Prime Minister's Office.
- (c) Ministries and Departments of the Central or State Govt.
- (d) CBI and other police authorities when they do not intend to investigate the complaint.
- (e) MPs/MLAs/VIPs, individuals and non-governmental organization.

6.0 Information required while making a complaint:

Guidelines for the Complaints: -

- (i) The complaint should be pertaining to employees of NTPC Ltd., Suppliers / Contractors & Associates etc. falling within the jurisdiction of the Vigilance Department.
- (ii) 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 issue/matter. The complaint should be signed by the Complainant.
- (iii) Complaints lodged with the Vigilance Department should be genuine and not malicious, vexatious or frivolous and should be based on verifiable facts.
- (iv) A complaint should preferably be lodged in typed or written form in English or Hindi language for facilitating early action thereon.
- (v) The complaint should not be anonymous or pseudonymous.
- (vi) Complaint should be specific with adequate evidence.

- (vii) The complaint should not be biased or based on any personal grievances.
- (viii) The complainant should address the complaint directly to the CVO of NTPC.
- (ix) Normally one specific issue should be raised in one complaint. However, if more than one specific issue is there, it is better to raise the same in separate complaint. Further, Complainant while forwarding their complaint to the Vigilance Department of NTPC, should mention details one by one in a coherent manner so that the same can be understood unambiguously.
- (x) All types of complaints, even if printed or photocopied, should be clearly legible.
- (xi) 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.
- (xii) Complainants who want to keep their identity confidential should file complaint under the provisions of Public Interest Disclosure and Protection of Informer (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 CVC Manual 2021.
- (xiii) In the matter of complaint related to tenders, while NTPC Vigilance may get the matter investigated, it would not generally interfere in the tendering process.

[Clause 2.1 of Chapter-II of CVC-Comprehensive Guidelines on CHM circular no. 21/12/21 dated 24.12.2021]

7.0 Types of Complaints: -

All complaints received by Vigilance department are classified as under: -

- **Identifiable or signed complaints:** These are complaints wherein the identity of the complainant is mentioned by virtue of name, contact details etc. Further, the complainant owns/confirms the details mentioned in the complaint, when the complainant is contacted at the address/contact number. mentioned in the complaint.
- **Pseudonymous complaints (Ps):** These are complaints wherein the identity of the complainant is mentioned by virtue of name, contact details etc. However, when the signatory of the complaint is contacted at the address/contact number. mentioned in the complaint, the complaint is either disowned or there is no response within a reasonable time.

- **Anonymous Complaints (A):** These are complaints where the complainant has not revealed, verifiable or traceable or contactable identity while making the complaint.
- **Source information:** An information of irregularities received verbally by a Vigilance Executive from an identifiable source and reduced in writing is called source information and treated as signed complaint.
- **Whistle Blower complaints, otherwise known as Public Interest Disclosure and Protection of Informer (PIDPI), Complaints:**— If a complainant while exposing a case of corruption wants his identity to be kept secret, he/she should lodge a complaint under Public Interest Disclosure and Protection of Informers (PIDPI) – popularly known as Whistle Blower Provision.

[P-3 of CVC Complaint Handling Policy 004/VGL/020 (pt) revised on 01.07.2019]

8.0 Methodology for Lodging a complaint: -

Complaint can be lodged, giving specific facts/information containing details about offences alleged to have been committed under the PC Act 1988 or malpractice/ misconduct under CDA Rules / Standing Order of NTPC Ltd. having Vigilance Angle, by addressing the written communication letter directly to the CVO at

Chief Vigilance Officer, NTPC Limited, 3rd Floor, Core-7, Scope Complex, Lodhi Road, New Delhi-110003

or

By sending an e-mail directly to the CVO at the e-mail Id- cvo@ntpc.co.in.

or

Complaint can also be sent to the Vigilance Head of the respective Unit / Region.

or

The complaint can also be lodged directly on the NTPC website / CVC website.

Lodging of complaints under PIDPI:

Complaint under "Public Interest Disclosure and Protection of Informer" Resolution can be made only by post. *CVC & CVO's of the Administrative Ministry (i.e. Ministry of Power, GoI). are the Designated Agency for receiving PIDPI complaints.* The envelope should be super scribed "PIDPI". The complainant should refrain from giving his name on the body of the letter. The personal detail should be separately given or given at the top or end of the letter so that they can be easily blocked out.

[P-3 of CVC Complaint Handling Policy 004/VGL/020 (pt) revised on 01.07.2019]

For detailed information regarding PIDPI, please refer chapter IV of CVC manual 2021 or NTPC's Whistle Blower Policy exclusively for employees of NTPC available at website and intranet of NTPC.

9.0 Action on Complaints: -

9.1 Signed Complaints:

Such complaints shall be processed as mentioned in the policy.

9.2 Anonymous and Pseudonymous Complaints:

Anonymous and pseudonymous complaints could be misused by disgruntled elements to harass honest officials. *In this regard, DoPT OM No. 104/76/2011-AVD.I dated 18.10.2013* provides that no action is required to be taken on anonymous/pseudonymous complaints irrespective of the nature of the allegations and such complaints need to be simply filed.

[Clause 3.10.1(e) of Chapter-III of CVC Vigilance Manual, 2021]

9.3 Source Information:

The complaint shall be treated as signed complaint and processed as mentioned in the policy.

10.0 Action on complaints referred by the CVC: -

10.1 Complaints received for "I & R (Investigate and Report)": -

- (i) Once a complaint is lodged with CVC and the Commission directs the CVO to investigate and submit a report on a complaint, a unique complaint number would be provided to the complainant by the commission. The complainant can use this complaint number to see the status of action on the complaint by clicking on the 'Complaint Status' displayed on the Commission's website – <https://cvc.gov.in>.

[Clause 3.4.2(c) of Chapter-III of CVC-Vigilance Manual 2021]

- (ii) In such cases, Commission would be seeking confirmation from the complainant for owning / disowning the complaint, as the case may be. Therefore, any further confirmation would not be required to be sought by the CVO from the complainant in respect of the complaints received by CVO for "I & R" from the Commission. However, clarifications / any additional

information, if required, could be obtained from the complainant(s) as part of inquiry in the matter undertaken by the CVO.

- (iii) Whenever the Commission calls for 'Investigate and Report' on a complaint, the report of the investigation shall normally be sent to the Commission within three months from the date of receipt of reference from the Commission or within such time as specified by the Commission. In case, more time is required to finalise the investigation and send the report to Commission in the prescribed format, the CVO shall seek extension of time, within 15 days of receipt of reference from Commission, giving specific reasons. Any such request by the CVO shall be sent to Commission, along with the approval of the Chairman and Managing Director (CMD).

*[Clause-4.2(c) of Chapter-IV of CVC-CHM circular no 25/12/21 dtd
24.12.2021]*

- (iv) After investigation, if it is found that the officials involved in the case are not covered under Commission's jurisdiction, the matter would be dealt with by the CVO. However, action taken by the CVO would be intimated to the Commission in order to monitor compliance. Further, it is clarified here that in so far as PIDPI complaints are concerned, the Commission has jurisdiction over all officials (irrespective of their level) of the organization covered under the Commission's jurisdiction.
- (v) Complaints received from the Commission under the provisions of PIDPI Resolution are not required to be verified for genuineness, as the process of verification/confirmation is completed in the Commission prior to referring it to the CVO for investigation or further necessary action. Therefore, such complaints would be taken up for investigation immediately after receipt of the same from the Commission. Such complaints shall, in other words, be treated as registered complaint. Hence, CVO is required to send the report to the Commission within 12 weeks from the date of receipt of the reference from the Commission.
- (vi) After receipt of the Investigation report by the Commission, the Commission may tender its advice or seek further information or clarification (FI) from the CVO. Upon receiving such further Report as called for, the Commission would tender its advice. In respect of references made by the Commission for clarification and / or comments, the same shall be sent to the Commission within six weeks. If, in any case, it is not possible to do so, the CVO shall,

after satisfying himself/herself of the reason for delay, write to the Commission for the extension of time.

[Clause 3.4.2(f) of Chapter-III of CVC-Vigilance Manual 2021]

10.2 Complaints received for “Necessary Action or Factual Report”:

- (i) In respect of those complaints which are received by CVO for Necessary Action such complaints shall be thoroughly scrutinized and action on such complaints shall be decided within a period of two months from the date of receipt of complaint from the Commission.

[Clause 3.4.3(b) of Chapter-III of CVC-Vigilance Manual 2021]

- (ii) Before initiating action on complaints received for Necessary Action (N.A.), a confirmation from the complainant for owning or disowning the complaint shall be sought, 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.

*[Clause-4.3.1(ii) of Chapter-IV of CVC-CHM circular no. 25/12/21 dtd
24.12.2021]*

- (iii) In respect of the complaints referred by the Commission to CVO for necessary action, in case they have been investigated and a vigilance angle has come to the notice against an officer falling under the jurisdiction of the Commission, the case shall 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 shall be disposed off after taking required action.

*[Clause-4.3.1(iii) of Chapter-IV of CVC-CHM circular no. 25/12/21 dtd
24.12.2021]*

- (iv) However, all the complaints made under “PIDPI Resolution” which have been received by CVO for “Necessary Action”, are treated as signed complaints and shall be referred back to the Commission, irrespective of Commission’s normal jurisdiction, for advice if they have been investigated and a Vigilance Angle has come to notice.

[Clause 3.4.3(d) of Chapter-III of CVC-Vigilance Manual 2021]

11.0 Action on complaints against Board Level Officials: -

- (i) Complaints against Board Level Officials are within the purview of the CVO of the Administrative Ministry (i.e. MoP). A complaint involving a Board-level appointee, whether figuring alone or in association with others (Board level appointee in association with below Board level officials becomes a Composite case and falls under the jurisdiction of the CVO-MoP) shall be forwarded by the CVO-NTPC to the CVO of the Administrative Ministry (i.e. MoP). Under no circumstances, CVO shall initiate action against the Board-level appointee of his/her organization. The CVO of the administrative ministry would initiate action on such complaints in accordance with the instructions given in para 3.5 of Vigilance Manual-2021.

[Clause 3.7(a) of Chapter-III of CVC-Vigilance Manual 2021]

- (ii) If the CVO of an Administrative Ministry (i.e. MoP) asks for a factual report against a Board level appointee, same shall be sent to the CVO of the Ministry, after endorsing a copy of the report to the CMD. The CVO of the Ministry may make a reference to the Commission after collecting all the relevant facts and following the prescribed procedure.

[Clause 3.7(c) of Chapter-III of CVC-Vigilance Manual 2021]

- (iii) In order to avoid unnecessary harassment to the officials, against whom frivolous complaints are received at the time of their promotion, selection or empanelment, in such cases, for the purpose of giving vigilance clearance, the following actions shall be taken: -

- a) As a rule, complaints / cases which are more than 5 years old and against which no action has been taken till then, shall not be taken into cognizance. However, the limit of 5 years will not apply to cases of fraud and other criminal offences;
- b) No cognizance shall be taken of any complaint which is received within 6 months prior to the initiation of selection process for Board level officials.

[Clause 3.7(e) of Chapter-III of CVC-Vigilance Manual 2021]

12.0 Processing of Complaints: -

- 12.1 All complaints received at Corporate Vigilance Office shall be registered in Online Complaint Handling Module which is developed for this purpose.

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 a vigilance angle should be registered in the Online Module.

[Clause 3.5.1(C) of Chapter-III of CVC Vigilance Manual, 2021]

12.2 Project Vigilance

All complaints received by project vigilance shall be entered in a register-All complaints shall be forwarded to Corporate Vigilance for further advice. Complaints in the local language shall be accompanied by English/Hindi translation of the same.

12.3 Processing of 'Non-Vigilance' Complaints

A complaint of the following nature shall not be entertained by CVO and shall be summarily dismissed or filed or forward to the concerned authority for necessary action as deemed fit, namely: -

- (i) where allegations are administrative in nature such as those relating to transfer, posting, recruitment, suspension or travelling allowance; unless there is involvement of vigilance angle relating to alleged commission of offences under the Prevention of Corruption Act, 1988 / misconduct under CDA Rules or Standing Orders;
- (ii) which are not directly addressed to the CVO;
- (iii) which are anonymous or pseudonymous;
- (iv) which are vague, frivolous or not specific in content or nature.
- (v) contain matters which are sub-judice before any competent Court or Tribunal or Authority;
- (vi) which are against private persons, State Government officials, Members of Parliament or State Legislature, elected representatives of other bodies, members of judiciary or officials of private organisations;
- (vii) which are not against the category of public servants as specified under such section (2) of section 8 of the Act and the notification issued thereunder; and
- (viii) which are illegible.

[CVC Gazette CG-DL-E-30012021-224831 dtd. 8th January, 2021]

After registration of complaint in PRADIP Module and subsequent perusal by CVO & ED (Vigilance) / GM (Vigilance), it is forwarded to the concerned vigilance executive for scrutiny purpose.

On scrutiny of the complaint, if it is identified as 'non-Vigilance Complaint', the same shall be forwarded to CVO for further advice. Further action shall be taken based on the advice of CVO.

In case there are no verifiable allegations constituting a Vigilance Angle in the complaint, it is forwarded to CVO for dropping / filing of the complaint under non-specific / general allegation / vague category.

12.4 Processing of Complaints having Vigilance Angle

- a) In case it is a PIDPI complaint forwarded by the CVC, an investigation shall be immediately called for since the investigation report is to be submitted to the CVC within 12 weeks.
- b) The complaint may be forwarded to the Administrative Ministry wherever the role of Board Level Officials has been alleged.
- c) In case there are verifiable allegations in the complaint attracting vigilance angle, it is forwarded to site Vigilance Executive for taking confirmation from complainant and preparation of Factual Report based on available documents.
- d) On receipt of any complaint containing allegations against any tender in processing/decision stage, the tender process need not be stopped. However, the allegation should be brought to the notice of the Competent Authority, including the Purchase Committee, Tender Committee, Negotiation Committee etc. The complaint should be processed independently after final decision is taken by the Tender / Purchase Committee and / or the Competent Authority
[CVC office order no. 25/7/06 dated 6th July, 2006]
- e) As a rule, complaints relating to the incidents which are more than 5 years old and no action has been taken till then, should not be processed. However, the limit of 5 years will not apply to cases of fraud and other criminal offences.
- f) Any other disposal action, based on the merits of the issues raised in the complaint, the reasons of which shall be recorded.

Checking the genuineness of the complainant by Vigilance Officers

- 12.5** The complainant needs to be contacted to verify the genuineness and also to clarify the gaps in information since, at times, the complainant may not be able to articulate the allegations properly. It is hence necessary that in all complaints where contact details are provided, the complainant is contacted, to verify the genuineness and also for additional information / clarification that the complainant could provide. Further, all signed complaints received from the complainant in person are to be acknowledged.

Information received verbally from an identifiable source shall be reduced in writing.

13.0 Time frame for confirmation: -

The time frame for confirmation of a complaint is one month.

In cases where the Vigilance Head of the respective unit / Region needs more time to complete the confirmation process, an interim reply should be sent to CVO mentioning the reasons for the delay and the probable date for submission of the report.

14.0 Format of Factual Report: -

The Factual Report should mention the complaint reference, allegations made in the complaint, findings, observation on the merits of the complaint i.e. whether allegations are true or not, the presence / absence of vigilance angle and the conclusion.

15.0 Action on Confirmation Report: -

Corporate vigilance on analyzing the findings of the Factual Report submitted by the vigilance executive of the unit / region along with confirmation details received from complainant may be guided by the following provisions of CVC while submitting the observations to CVO:

- a) To close the complaint, if there is no merit in the allegations made in the complaint.
- b) To forward the findings to respective Departmental / Disciplinary Authorities for necessary administrative action.
- c) To carry out a detailed investigation if the allegations are prime-facie true and point towards a vigilance angle.
- d) The complaint be referred to CBI, with the approval of CMD, if the findings of the verification reveal that the allegations:
 - i) are criminal in nature (e.g. bribery, corruption, forgery, criminal breach of trust, possession of assets disproportionate to known sources of income, cheating, etc.); or
 - ii) Require inquiries to be made from non-official persons; or
 - iii) Involve examination of private records; or
 - iv) Need expert police investigation for arriving at a conclusion; or
 - v) Need investigation abroad.

[Clause 5.3(a) of Chapter-V of CVC Vigilance Manual, 2021]

Further action shall be taken based on the advice of CVO.

16.0 Time frame for Investigation: -

The time frame for carrying out a detailed Investigation is three months.

[Clause 7.47.2 of Chapter-VII of CVC Vigilance Manual, 2021]

As and when advised by CVO for an investigation, the RVE in Corporate Vigilance shall seek a detailed investigation report from the Vigilance Executive of the respective project / Region with a time frame of three months. Investigation should be prioritized by keeping in view the date of superannuation of the officials involved.

In cases where the Vigilance Executive of the respective project/Region needs more time to complete the investigation, an interim reply should be sent to CVO mentioning the reasons for the delay and the probable date for submission of the investigation report.

17.0 Format of Investigation Report: -

Investigation report shall be exhaustive, relevant and structured so as to mention the source, gist of allegations, facts, observations, response of the officials concerned, counter to the response, conclusion, responsibility of officials, recommendation for action and recommendation for systemic improvement, if required.

18.0 Action on Investigation Report: -

18.1 The RVE in Corporate Vigilance on analyzing the findings of the investigation report submitted by the Vigilance Executive of the Unit/Region may be guided by the following provisions of CVC while submitting the observations to CVO:

- a) Not to pursue the investigation any further if the irregularities are not established.
- b) To recommend necessary action in case the irregularities are established. The necessary action could be initiation of (i) disciplinary proceedings against defaulting officials (ii) administrative action i.e. Warning/Recordable Warning, Advisory Memo etc., and / or (iii) system improvements.

18.2 While taking a final view on the investigation report, the following care shall be taken:

- a) The advice of the CVC has to be sought in respect of all officials in the jurisdiction of the CVC — Board level as well as two levels below the Board level (i.e. E8 & E9).

Such a reference would be required to be made even in respect of executives who are not within the CVC's jurisdiction, if they are involved along with officers who are within the jurisdiction of the CVC, since the case would then become a composite case and falls within the CVC's jurisdiction.

- b) The investigation report shall be forwarded to the CVO of the Administrative Ministry (copy marked to the CVC) for further action, if the investigation reveals the role of Board level officials.

Such a reference would be required to be made even in respect of the executives below Board level, if they are involved along with Board level officials, since the case would then become a composite case and falls within the jurisdiction of CVO of the Administrative Ministry.

The CVO of the Administrative Ministry will seek further advice from the CVC.

- c) If the investigation reveals that the involved officials are below E8 level, the case will be generally dealt with by CVO for advice to the concerned Disciplinary Authority.

- d) Wherever a major penalty is recommended, draft charge sheets have to be enclosed while submitting the case to CVO/CVC for further advice.

(Clause 16.2 of CVC's Special Chapter on Vigilance Management in PSEs, Office Order no.NZ/PRC/01 dated 12th May, 2003, 12/02/04 dated 26th February, 2004, 12/3/05 dated 16th March, 2005, 30/5/05 dated Oh May, 2005, 14/3/06 dated 13th March, 2006, 34/09/07 dated 27-17 September, 2007, 21/08/09 dated 6th August, 2009, 03.03.11 dated 11th March, 2011).

Further action shall be taken based on the advice of CVO/CVC, as the case may be.

19.0 Action against persons making false complaints: -

If a complaint is found to be malicious, vexatious or unfounded, it would be considered seriously whether action should be taken against the complainant for making a false complaint.

- (i) Under Section 182 of the Indian Penal Code, 1860, a person making false complaint can be prosecuted. Section 182 reads as follows: -

“Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant:

- (a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or
- (b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”
- (ii) Under section 195(1)(a) of Code of Criminal Procedure, 1973 a person making a false complaint can be prosecuted on 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.
- (iii) If the person making a false complaint is an employee, it may be considered whether Departmental action should be taken against him as an alternative or in addition to prosecution.

[Clause 3.12 of Chapter-III of CVC-Vigilance Manual 2021]

20.0 Withdrawal of Complaints: -

Some complainants, after confirming the Vigilance’s Complaint made by them, make a request for withdrawing the same or stopping the inquiry / investigation. It is to be noted that once a complainant confirms the Vigilance’s Complaint and action has been initiated for inquiry/investigation, it is not permissible to withdraw / stop such enquiry / investigation even if the complainant withdraws his complaint. The allegations contained in the complaint have to be taken to its logical conclusion irrespective of complainant’s request for withdrawal of the complaint.

[Clause 3.13 of Chapter-III of CVC-Vigilance Manual 2021]

21.0 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 is summarized in the following tables: -

- (i) Model Time Limit for Handling of Complaint

SN	Description	Timeline
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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 for approaching the Commission for seeking extension of <u>time, with the approval of the competent authority.</u>	15 days
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.	2 months (Circular no 24/11/22 dated 03.11.2022)
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 days

[Clause-7.3 of Chapter-VII of CVC- CHM circular no. 25/12/21 dtd 24.12.2021]

(ii) Model Time Limit for Investigation of Complaints & Departmental Inquiries:

SN	State of Investigation or inquiry	Time Limit
1	Decision as to whether the complaint involves a vigilance angle.	One month from receipt of the complaint.
2	Decision on complaint, whether to be filed or to be entrusted to CBI or to be	3 months in terms of <u>CVC Circular No. 021-AIS-1(2) dated 19.04.2021.</u>

	taken up for investigation by Departmental agency or to be sent to the concerned Administrative Authority for necessary action.	
3	Conducting investigation and submission of report.	Three months.
4	Department's comments on the CBI reports in cases requiring Commission's advice.	One month from the date of receipt of CBI's report by the CVO / Disciplinary Authority.
5	Referring Departmental investigation reports to the Commission for advice.	One month from the date of receipt of investigation report.
6	Reconsideration of the Commission's advice, if required.	One month from the date of receipt of Commission's advice.
7	Issue of charge-sheet, if required.	(i) One month from the date of receipt of Commission's advice. (ii) Two months from the date of receipt of investigation report.
8	Submission of defence reply / statement.	Ordinarily ten days or as specified in CDA Rules. However, in respect of members of AIS, it is 30 days which is further extendable by 30 days but not exceeding 90 days. [Rule 8(5)(b) of <i>AIS(D&A) Rules, 1969</i>].
9	Consideration of defence reply / statement.	Within 15 (Fifteen) days.
10	Issue of final orders in minor penalty cases.	Two months from the receipt of defence statement.
11	Appointment of IO / PO in major penalty cases.	Within 15 (fifteen) days after receipt and consideration of defence statement.
12	Conducting Departmental inquiry and submission of report.	Six months from the date of appointment of IO / PO.
13	Sending a copy of the IO's report to the Charged Officer for his representation.	(i) Within 15 (fifteen) days of receipt of IO's report if any of the Articles of charge has been held as proved; (ii) 15 (fifteen) days if all charges held as not proved. Reasons for disagreement with IO's findings to be communicated.
14	Submission by charged officer to IO's findings / DA's disagreement note.	Within 15 (fifteen) days. However, in respect of members of AIS, it is 15 days, extendable for a further period of 15 days

		but not exceeding 45 days. [Rule 9(5)(b) of <i>AIS (D & A) Rules, 1969</i>].
15	Over all time limit for conclusion of disciplinary proceedings.	<u>DoPT vide OM No. 372/3/2007AVD-III (Vol. 10) dated 14.10.2013</u> has prescribed a time limit of 18 months for completion of major penalty proceedings against Government servants from the date of delivery of charge-sheet and till the date of passing of final orders.

[Clause 7.47.2 of Chapter-VII of CVC-Vigilance Manual 2021]

(iii) Model Time limits for finalisation of Departmental Inquiry Proceedings:

SN	Stage of disciplinary action	Time limits
1	Issue of Charge Sheet to the stage of appointment of IO and PO.	All the required action may be completed within a period of two months from the date of issue of First Stage Advice of the Commission.
2	Conducting departmental inquiry and submission of report by the inquiry officer (I.O).	The inquiry report should be submitted within six months from the date of appointment of inquiry officer.
3	Overall additional time for all / any of the above stages of disciplinary proceedings due to some unavoidable / unforeseen circumstances.	In addition to the above time limit, a period of 1 more month maybe taken, if required.

[Clause 7.47.2A of Chapter-VII of CVC-Vigilance Manual 2021]

References:

S.No	Detail
1	CVC, Vigilance Manual, 2021
2	CVC, Comprehensive Guidelines on Complaint Handling Mechanism, No. 00000021021/VGL/051 dtd. 24.12.2021
3	CVC Gazette No. CG-DL-E-30012021-224831 dtd. 8th January, 2021
4	CVC, Complaint Handling Policy No. [004/VGL/020 (pt)] Revised on
5	CVC Office Order no. 25/7/06 dated 6th July, 2006