

No. Home/Vig/20-2-16 Confidential

No. Home(Vig)A(5)-94/2015(Misc.-Eco. & Stat.)
Government of Himachal Pradesh
Department of Home (Vigilance)

From:

Addl. Chief Secretary(Home/Vigilance) to the
Government of Himachal Pradesh, Shimla-171002.

To

1. All Administrative Secretaries to the
Government of Himachal Pradesh, Shimla-171002.
2. All Heads of Departments, H.P.
3. The Addl. Director General,
State Vigilance & Anti-corruption Bureau,
Himachal Pradesh, Shimla-171002

Dated: Shimla-2, the 19.02.2016.

Subject: Regarding dealing with anonymous and pseudonymous
complaints.

Sir/Madam,

I am directed to refer to the subject cited above and to say that as per provisions of para-2.1, Chapter-II of Vigilance Manual, such complaints which are anonymous and pseudonymous are generally required to be filed. It has also come to the notice of Government that anonymous and pseudonymous complaints are being made against departments/employees which effects adversely on the morale of the services.

2. It is clarified that 'Anonymous complaints' are such complaints which do not carry both, name & address of the complainant, whereas 'Pseudonymous complaints' are such complaints which carry/bear fictitious name & address of the complainant.


3. The Central Vigilance Commission had circulated the instructions regarding action to be taken on anonymous & pseudonymous complaints vide their Circular No. 07/11/2014 dated 25.11.2014 (copy enclosed) that the Commission has reviewed the matter and considering all aspects, would prescribe that no action should be taken on anonymous/pseudonymous complaints by the Ministries/Departments/Organisations.
4. The department of Administrative Reforms Organization, Government of Himachal Pradesh had also circulated the guidelines dated 18.10.2013 (copy enclosed) issued by the Department of Personnel & Training, Govt. of India regarding handling of such complaints vide their letter No. PER-(AR)E(1)-3/2008-I dated 31.3.2014 for strict compliance. The Department of Personnel & Training, Govt. of India have re-iterated above instructions vide O.M No. 104/76/2011.AVD.I dated 31.03.2015 (copy enclosed), with the following procedure to be laid down while dealing with anonymous and pseudonymous complaints:-
 - (i) No action is required to be taken on anonymous complaints, irrespective of the nature of allegations and such complaints need to be simply filed.
 - (ii) Complaints containing vague allegations could also be filed without verification of identity of the complainant.
 - (iii) If a complaint contains verified allegations, the administrative Ministry/Department may take

cognizance of such complaint with the approval of the competent authority to be designated by the Ministry/ Department as per their distribution of work. In such cases, the complaint will be first sent to the complainant for owning/disowning, as the case may be. If no response is received from the complainant within 15 days of sending the complaint, a reminder will be sent. After waiting for 15 days after sending the reminder, if still nothing is heard, the said complaint may be filed as pseudonymous by the Ministry/Department.

It is, therefore, requested that these instructions /guidelines issued by the Central Vigilance Commission, Govt of India and provisions of Vigilance Manual may please be got adhered strictly while dealing with such complaints, in future.

Encls. 12 (Twelve) pages.

Yours faithfully,

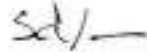

Special Secretary (Vigilance) to the
Government of Himachal Pradesh.



Endst. No. As Above. Dated: Shimla-2, the

2016.

Copy forwarded to the Deputy Secretary to the Chief Minister, H.P. w.r.t. his U.O. letter No. Secy/CM-H0405/2012-DEP-A-276209 dated 16.09.2015 for information.


Special Secretary (Vigilance) to the
Government of Himachal Pradesh

①

No. 104/70/2011-AVD.1
Government of India
Ministry of Personnel & Public Grievances & Pensions
(Department of Personnel & Training)


New Delhi, Dated 31st March, 2015

OFFICE MEMORANDUM

Subject:- Guidelines regarding handling of complaints in Ministries/Departments.

The undersigned is directed to say that instructions regarding dealing with anonymous and pseudonymous complaints were issued vide this Department's Office Memorandum of even number dated 18.10.2013 and subsequently clarified vide Office Memorandum of even number dated 18.6.2014.

2 A copy each of the aforesaid Office Memoranda are enclosed herewith. The instructions contained therein are reiterated and all Ministries/Departments are requested to follow the same while handling complaints received in their respective Ministry/Department.


(Aditya Kumar Joshi)
Director

1. All Ministries/Departments as per standard circulation list
2. Secretary, CVC
3. All Desks/Sections of DOP&T
4. Guard File
5. ✓ NIC, DOP&T Cell for placing a copy of this OM on the website of this Department

New Delhi, Dated October 18, 2013

OFFICE MEMORANDUM

Subject:- Guidelines regarding handling of complaints in Ministries/Departments.

The undersigned is directed to say that the instructions regarding dealing with anonymous and pseudonymous complaints as contained in this Department's OM No. 321/4/91-AVD.III, dated 29th September, 1992 and as reiterated vide DOP&T's OM No. 371/38/97-AVD.III, dated 3/11/1997, being at variance with instructions issued by CVC in this regard vide curcular No.3[V]/99/2 dated 29th June, 1999, No. 98/DSP/9, dated 31st January, 2002 and 11th October, 2002, had been receiving the attention of the Government for the past some time.

2. The matter was examined afresh in consultation with the Central Vigilance Commission. Subsequent to the Public Interest Disclosure & Protection of Informers' Resolution - 2004 (PIDPI), the Commission has created a mechanism for handling complaints where identity of the complainant is kept secret and the complainant is provided protection. This has been endorsed and operationalized by the Central Government with the approval of the competent authority.

3. 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 (PIDPI), the following procedure is laid down for handling anonymous and pseudonymous complaints, in supersession of instructions contained in DoP&T's OM No. 321/4/91-AVD.III dated 29th September, 1992:

~~i)~~ No action is required to be taken on anonymous complaints, irrespective of the nature of allegations and such complaints need to be simply filed.

ii) Complaints containing vague allegations could also be filed without verification of identity of the complainant.

(ii) if a complaint contains verifiable allegations, the administrative Ministry/Department may take cognizance of such complaint with the approval of the competent authority to be designated by the Ministry/Department as per their distribution of work. In such cases, the complaint will be first sent to the complainant for owning/disowning, as the case may be. If no response is received from the complainant within 15 days of sending the complaint, a reminder will be sent. After waiting for 15 days after sending the reminder, if still nothing is heard, the said complaint may be filed as pseudonymous by the Ministry/Department.

4. Instructions contained in para-3 above would also be applicable (with appropriate competent authority to be designated under para 3 (iii) above) for dealing with complaints against Secretaries to the Government of India or Chief Executives / CMDs / Functional Director of PSEs/PSBs/Fls, which will continue to be referred to the Cabinet Secretariat for placing before the Group of Secretaries headed by the Cabinet Secretary/Secretary (Co-ordination) in the Cabinet Secretariat, as the case may be, as per procedure given in Department's OM No. 104/100/2009-AVD.I, dated 14/1/2010 and DPE's OM No. 15(1)/2010-DPE(GM), dated 11/3/2010, as amended from time to time.

G. Srinivasan

(G. Srinivasan)

Under Secretary to the Government of India

To,

1. All Ministries/Departments as per standard circulation list
2. Secretary, Central Vigilance Commission
3. Department of Public Enterprises
4. All Desks/Sections of DOP&T
5. Guard File
6. NIC, DOP&T Cell for placing a copy of this OM on the website of the Ministry.

(4) B

No. 104/76/2011-AVL.1
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

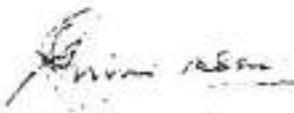
New Delhi, the 18th June, 2014.

Office Memorandum

Subject:- Guidelines regarding handling of complaints in Ministries/Departments.

The undersigned is directed to refer to this Department's O.M. of even number dated 18.10.2013 on the above subject and to say that the Ministries/Departments of the Government of India have been seeking clarifications from this Department on operation of the aforesaid O.M. The matter has been considered and it is clarified as under:-

- (i) **'Anonymous complaints'** are such complaints which do not carry both, **name and address** of the complainant and need to be dealt with in terms of para 3 (i) of the DOP&T O.M. dated 18.10.2013 referred to in para 1 above, irrespective of the nature of allegations.
- (ii) The complaints other than anonymous complaints which contain vague allegations need to be dealt with in terms of para 3 (ii) of the DOP&T O.M. dated 18.10.2013 referred to in sub- para (i) above.
- ✓ (iii) The complaints which contain verifiable allegations and are not anonymous, need to be dealt with in terms of para 3 (iii) of the DOP&T O.M. dated 18.0.2013 referred to in para 1 above


(G. Srinivasan)

Under Secretary to the Govt. of India

1. All Ministries/Departments as per standard circulation list.
2. Secretary, Central Vigilance Commission, New Delhi.
3. Department of Public Enterprises.
4. All Desks/Sections of DOP&T.
5. Guard File.
- ✓ 6. NIC, DOP&T Cell for placing a copy of this OM on the website of the Ministry.



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18/03-14 (5)

No.A-54/2/2014-AR(Ad.I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms & Public Grievances

Sardar Patel Bhawan, Sansad Marg,
New Delhi, dated 12th March, 2014.

Sub : Guidelines regarding handling of complaints in Ministries/Departments.

The undersigned is directed to forward herewith a copy of Department of Personnel & Training's O.M. No.104/76/2011-AVD.I dated 18th October, 2013 on the subject mentioned above for information and necessary action.

(A.K. Sawhney)

Under Secretary to the Govt. of India
Tel. No. 23401427.

3/14
(AR)
To

1. All Chief Secretaries of State Governments.
2. All Administrators in Union Territories.

AR)
3/14

Copy to Sh. P. Alfred, Senior Tech. Director, NIC for uploading on department's site.

Copy for information to :

- 1) Sr. PPS to Secretary (AR&PG).
- 2) PPS to Additional Secretary (AR&PG).
- 3) PS to Joint Secretary (ARC).

21/3/14
A. Gupta

No. FER- (AR) E (1)-3/2008-1
Government of Himachal Pradesh
Administrative Reforms Organization

6

From

The Addl. Chief Secretary (AR) to the
Government of Himachal Pradesh

To

All the Administrative Secretaries to the
Government of Himachal Pradesh

Dated: Shimla-171002, the 31-3-2014

Subject:-

Guidelines regarding handling of complaints
in Ministries/Departments.

Sir,

I am directed to enclose herewith a copy of letter No. A-5-1/2/2014-AR (Ad.1) dated 12th March, 2014 received from Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi alongwith OFFICE MEMORANDUM dated 18th October, 2013 for taking further necessary action in the matter. The procedure for handling anonymous and pseudonymous complaints may please be circulated to all the field officers under your control for strict compliance and future guidance.

Yours faithfully,



(D.K.Manta)

Deputy Secretary (AR) to the
Government of Himachal Pradesh
Tel.No. 01772622918



Telegraphic Address :
SATARKTA, New Delhi

E-Mail Address
cen-sigila@nic.in

Website
www.cvc.nic.in

1-PABX
24600200

फैक्स / Fax 24651186



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

7



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-1100
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 11002

स. / No. 98/DSP/9
26th November,


दिनांक / Dated

Circular No. 07/11/2014

Subject: Action on anonymous / pseudonymous complaints.

The Commission had vide its circular Nos. 3(v)/99/2 dated 29th June, 1999 and of even number dated 31st January, 2002 prescribed that no action should be taken on any anonymous or pseudonymous complaints. However, an enabling provision was made subsequently, vide circular of even number dated 11th October, 2002, that if any, verifiable facts contained in such complaints are proposed to be looked into, prior concurrence of the Commission is required to be taken by the departments / organizations.

2. The Commission has reviewed the matter and considering all aspects, would prescribe that no action should be taken on anonymous / pseudonymous complaints by Ministries / Departments / Organisations in line with its earlier instructions dated 29th June, 1999 and 31st January, 2002 and such complaints should be filed. Commission's circular of even number dated 11th October, 2002 stands withdrawn with immediate effect. Accordingly, Para 3.8.1 of Chapter -III of Vigilance Manual (Volume-I - Sixth Edition, 2004) would stand modified to that extent.


(J. Vinod Kumar)
Officer on Special Duty

To

1. All Secretaries in Ministries/Departments to the Government of India
2. All Chief Vigilance Officers in the Ministries / Departments / Public Sector Undertakings / Public Sector Banks / Insurance Companies / Societies and other Local Authorities.

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No.3 (v)/99/2
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 29th June 1999

Subject: Improving vigilance administration - no action to be taken on anonymous/pseudonymous petitions/complaints.

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By virtue of the powers invested in the CVC under para 3(v) of the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training Resolution No.371/20/99-AVD.III dated 4th April 1999, the CVC is empowered to exercise superintendence over the vigilance administration of the various Ministries of the Central Government or Corporations established under any Central Act, Government Companies, Societies and local authorities owned or controlled by that Government.

2. One of the facts of life in today's administration is the widespread use of anonymous and pseudonymous petitions by disgruntled elements to blackmail honest officials. Under the existing orders, issued by Department of Personnel & Training letter No.321/4/91-AVD.III dt.29.9.92, no action should be taken on anonymous and pseudonymous complaints and should be ignored and only filed. However, there is a provision available in this order that in case such complaints contain verifiable details, they may be enquired into in accordance with existing instructions. It is, however, seen that the exception provided in this order has become a convenient loophole for blackmailing. The public servants who receive the anonymous/pseudonymous complaints, generally, follow the path of least resistance and order inquiries on these complaints. A peculiar feature of these complaints is that these are resorted to especially when a public servant's promotion is due or when an executive is likely to be called by the Public Enterprises Selection Board for interview for a post of Director/CMD etc. If nothing else, the anonymous/pseudonymous petition achieves the objective of delaying the promotion if not denying the promotion. These complaints demoralise many honest public servants.

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3. A person will resort to anonymous or pseudonymous complaints because of the following reasons:

- i. He is an honest person who is a whistle blower but he is afraid to reveal his identity because of fear of consequences of the powerful elements in the organisation.
- ii. He is a blackmailer who wants to psychologically pressurise the public servant complained against

4. There could be a view that if the anonymous/pseudonymous complaints contain an element of truth and if no action is to be taken on them then on important source of information will be lost. To that extent, corrupt practices may get a boost. At the same time the Central Vigilance Commission has initiated a number of steps to provide a channel of communication against the corrupt public servants. These measures include the following:

- i. Under CVC's order No.8 (1)(h)(1) dated 18.11.98, even junior officers can complain to the CVC in cases of corruption against the seniors;
- ii. The CVC has issued instructions that the name of the complainant will not be revealed when the complaint is sent to the appropriate authorities for getting their comments or launching inquiries;
- iii. Under CVC Order No. 8(1)(g)/99(4) dated 12th March 1999, in every office there should be public notice displayed directing that no bribe should be paid. If any bribe is demanded, the complaint should be made to the appropriate authority like CVO, CVC etc.; and
- iv. The CVC is now available on web - <http://cvc.nic.in> If anybody wants to complain they can easily lodge complaints on the website of CVC and also through e-mail - vigilance@hub.nic.in

5. In view of the above measures taken, there is very little possibility that genuine cases of corruption will not be brought to the notice of the appropriate authorities by those who were earlier resorting to anonymous/pseudonymous complaint route.

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6. It is, therefore, ordered under powers vested in the CVC under para 3(v) of the DOPT Resolution No.371/20/99-AVD.III dated 4th April 1999 that with immediate effect no action should at all be taken on any anonymous or pseudonymous complaints. They must just be filed.

7. This order is also available on web site of the CVC at <http://cvc.nic.in>

All CVOs must ensure that these instructions are strictly complied with.



29.6.99

(N. VITTAL)

CENTRAL VIGILANCE COMMISSIONER

- To
- (i) The Secretaries of All Ministries/Departments of Government of India
 - (ii) The Chief Secretaries to All Union Territories
 - (iii) The Comptroller & Auditor General of India
 - (iv) The Chairman, Union Public Service Commission
 - (v) All Chief Vigilance Officers in the Ministries /Departments/PSEs /Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies
 - (vi) President's Secretariat/ Vice-President's Secretariat/Lok Sabha Secretariat/ Rajya Sabha Secretariat/PMO

Government of India
Central Vigilance Commission

(11)

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 31st January 2002

To

All Chief Vigilance Officers

Subject: Improving vigilance administration - no action to be taken on anonymous/pseudonymous petitions/complaints.

The Commission had reviewed the instructions regarding action to be taken on anonymous/pseudonymous complaints and observed that the enabling provision in the DOPT's orders No.321/4/91-AVD.III dated 29.09.1992 had become a convenient loophole for blackmailing and detrimentally affecting the career of public servants whose promotions/career benefits were denied owing to consequent investigation. Considering all aspects, the Commission by virtue of powers invested under para 3(v) of the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training Resolution No.371/20/99-AVD.III dated 4th April 1999, had instructed all Govt. Depts./Orgns., PSEs and Banks not to take action on anonymous/pseudonymous complaints. All such complaints are to be filed vide CVC's instruction No.3(v)/99/2 dated 29th June 1999.

2. However, it has come to the notice of the Commission that some Govt. Depts./Orgns. and, in particular, banks are not complying with the CVC's instructions and have been taking cognizance/action on anonymous/pseudonymous complaints. Very often, the content of the complaint, described as verifiable, is used as a justification for such action. The instruction of the Commission does not permit this line of action.

3. It is hereby reiterated that, under no circumstance, should any investigation be commenced or action initiated on anonymous/pseudonymous complaints; these should invariably be filed. Any violation of this instruction will be viewed seriously by the Commission.

4. This issues with the approval of the Commission.

Yours faithfully,

Sd/-
(C.J. Mathew)
Deputy Secretary

No.98/DSP/9
Government of India
Central Vigilance Commission

12

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 11th October 2002

To

All Chief Vigilance Officers

Subject:- Improving vigilance administration - Action on anonymous/
pseudonymous complaints.

Sir/Madam,

The undersigned has been directed to refer to the Commission's communication No. 3(v)/99/2 dated 29.06.1999 and the letter of even number dated 31.01.2002, on the above subject, and to say that the Commission has reviewed the instructions contained in the aforesaid communications and reiterates that no action is to be taken by the departments/organisations, as a general rule, on anonymous/pseudonymous complaints received by them. However, if any department/organisation proposes to look into any verifiable facts alleged in such complaints, it may refer the matter to the Commission seeking its concurrence through the CVO or the head of the organisation, irrespective of the level of employees involved therein.

Yours faithfully,

Sd/-
(K.L. Ahuja)
Officer on Special Duty