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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं./No. 98/DSP/09/461535

दिनांक / Dated 24th Sept., 2020

Circular No. 12/09/20

Sub: Action on anonymous/pseudonymous complaints.

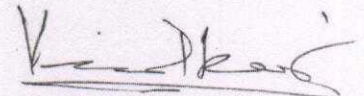
**Ref. (i) DoPT's OM No.104/76/2011-AVD.I dated 18/10/2013 &
18/06/2014.**

(ii) Commission's Circular No.07/11/2014 dated 25/11/2014.

Attention is invited to the DoPT's OM and the Commission's Circular mentioned above wherein it was prescribed that 'no action would be taken on anonymous/pseudonymous complaints' by Ministries/Departments/Organisations and such complaints should be filed.

2. The Commission has observed instances wherein some Departments/Organisations are taking cognizance of anonymous complaints, despite strict guidelines issued by DoPT and the CVC. Such non-compliance/violation of guidelines by the concerned authorities would be viewed seriously.

3. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.


(J. Vinod Kumar)
Director

To:

All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/Heads/CEOs of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.

All Chief Vigilance Officers of Ministries/Departments/CPSEs/PSBs/PSICs/FIs/ Autonomous Organisations, etc.

No.104/76/2011-AVD.I
Government of India
Ministry of Personnel & Public Grievances & Pensions
(Department of Personnel & Training)

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.

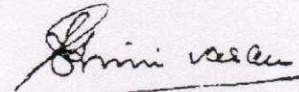
3. In view of the fact that complainants who desire to protect their identity now have the protection of the Public Interest Disclosure & Protection of Informers' Resolution - 2004 (PIDPI), the following procedure is laid down for handling anonymous and pseudonymous complaints, in supersession of instructions 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.

(iii) 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/FIs, 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. Srinivāsan)

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.

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

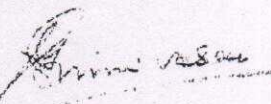
New Delhi, the 18th June, 2014.

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

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2. Secretary, Central Vigilance Commission, New Delhi.
3. Department of Public Enterprises.
4. All Desks/Sections of DOP&T.
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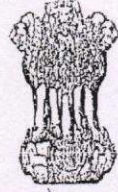
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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

98/DSP/9

सं./No. 25th November, 2014

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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CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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Block A, INA, New Delhi-110023

सं./No.000/VGL/018/459759

दिनांक / Dated 10th Sept., 2020

Office Order No. 11/09/20

Sub: Expeditious disposal of Vigilance cases- regarding

During the course of examination and disposal of cases in the Commission, it has been observed that several reminders are sent to CVOs of concerned Departments/Organisations seeking *further information/clarifications* on reports received in complaints referred by the Commission for investigation as well as in Vigilance cases referred for First / Second Stage advice of the Commission. Such further information are sought by the Commission, since the references made by CVOs are either incomplete or matters have not been considered/analysed in a proper perspective, due to which the Commission is unable to tender its advice on references received from the Departments/Organisations. The reply/further information from the CVOs are many a time, delayed and takes several months /years and leads to wastage of precious time and reduction in impact of punitive action on suspect / charged officers and to the public at large.

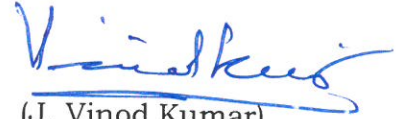
2. The Commission on consideration of the processing/examination of the cases, therefore, has observed that system of examination needs systemic change and has decided that in future, the following course of action would be adhered to finalize and tender advice in such long pending references:

- (i) All such cases/pending complaint cases or ones pending for long periods for further information/clarifications etc., would be reviewed internally in the Commission by 30th September, 2020 under the supervision of the concerned Additional Secretary.
- (ii) For any information/clarification, only one reminder would be sent by Branch Officer concerned to CVO of the Department/Organisation to reply/report back by a particular date (max. 15 days)
- (iii) If no reply is received, the concerned Additional Secretary, CVC would speak to the CVO of the Department/Organisation and ask to send the reply within seven days (indicating a particular date).

contd...

(iv) If no reply comes, a date would be fixed for video conference with CVO in a week's time, and the Secretary/Additional Secretary/Branch Officer would take the reply and if it is not received, the file would be submitted to the Commission for appropriate action.

3. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.



(J. Vinod Kumar)
Director

To:

1. All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/ Heads of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.
2. All Chief Vigilance Officers of Ministries / Departments /CPSEs /PSBs /PSICs /FIs / Autonomous Organisations, etc.

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CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023
008/VGL/027-459659

सं./No.....

09/09/2020

दिनांक / Dated.....

Office Order No.10/09/20

Sub.: Reference to the Commission for reconsideration of its advice- Dispensing with reconsideration of second stage advice – reg.

**Ref.: (i) Commission's Letter No.000/DSP/1 dated 06/03/2000.
(ii) Commission's Circular No.15/4/08 dated 24/04/2008.
(iii) Commission's Circular No.06/08/2020 dated 06/08/2020.**

Para 1.6.4 of Chapter I, Paras 7.19.3 and 7.28.5 of Chapter VII of Vigilance Manual, 2017 and aforesaid Circulars provide for consultation with the Commission, if the administrative authorities do not agree with Commission's advice and propose to take either a "lenient view" or a "stricter view" than recommended by it, for reconsideration of its 1st stage or 2nd stage advice.

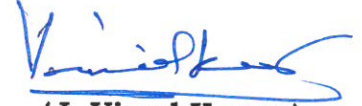
2. The Commission has analysed the cases received for reconsideration of its second stage advice tendered, and observes that second stage advice is tendered based on inputs received from Departments / Organisations which includes all material / information pertaining to the individual disciplinary case. Further, in most of the cases, Commission had reiterated its earlier advice tendered at second stage and in almost all such proposals, no new material / additional facts were brought out by the Departments / Organisations to justify any change. Also, in such cases of second stage advice, there is little scope for reconsideration. Such proposals also result in avoidable delays in finalization / issue of final orders by the Disciplinary Authority concerned.

3. The Commission, therefore, taking into consideration the above and the time lines to be adhered for finalisation of disciplinary cases, in supersession of its existing instructions / provisions in the Vigilance Manual, 2017 has decided to **dispense with consultation for reconsideration of its second stage advice**. Accordingly, no proposal for reconsideration of the Commission's second stage advice would be entertained in future. The provisions of the Vigilance Manual would stand amended to that extent.

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4. However, the Commission would entertain references for reconsideration of its first stage advice within one month of receipt of the Commission's first stage advice only in those exceptional individual cases having additional/new material facts, as prescribed in its Circular No.06/08/2020 dated 06/08/2020.

5. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.



(J. Vinod Kumar)
Director

To:

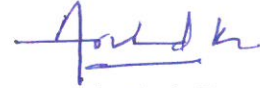
1. All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/ Heads/CEOs of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.
2. All Chief Vigilance Officers of Ministries / Departments /CPSEs /PSBs /PSICs /FIs / Autonomous Organisations, etc.

No. 020/VGL/032
Central Vigilance Commission

Satarkta Bhawan, Block – A,
GPO Complex, INA,
New Delhi-110023
Dated: 24.08.2020

Sub: Completion of Disciplinary proceeding through Video Conferencing in the wake of COVID-19 pandemic – reg.

A copy of the DOPT's OM No. 11012/03/2020-Estt.A--III dated 05.08.2020 on the subject mentioned above is enclosed for information and necessary action.



(Arvind Kumar)
Under Secretary (Coord)

All Chief Vigilance Officers

Encl: As above.

F. No. 11012/03/2020-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the August 5, 2020

OFFICE MEMORANDUM

Subject: Completion of Disciplinary proceeding through Video Conferencing in the wake of COVID-19 pandemic – reg.

The undersigned is directed to say that it has come to the notice of this Department that due to outbreak of Corona virus (COVID-19) pandemic, the Disciplinary Inquiry proceedings are being deferred/delayed. In this regard, attention is invited to the para-10 of DoPT's OM No. 142/40/2015-AVD.I dated 15.09.2017 vide which it was stated that –

“The Inquiry Officer shall conduct the inquiry proceedings at a location taking into account the availability of records, station/place where the misconduct occurred as well as the convenience of the witnesses/ PO etc. Video Conferencing should be utilized to the maximum extent possible to minimize travel undertaken by the IO/PO/CO. The cadre controlling authorities will facilitate necessary arrangements for the Video Conferencing.”

2. It is hereby reiterated that the authorities concerned may conduct the disciplinary proceedings with the aid of Video Conferencing, subject to the condition that principles of natural justice are fully adhered to, while conducting the proceedings through such digital mode.


(Satish Kumar)

Under Secretary to the Government of India

To

1. All the Ministries/Departments, Government of India
2. PMO/Cabinet Secretariat
3. PS to Hon'ble MOS (PP)
4. PSO to Secretary (Personnel)
5. Sr. Technical Director, NIC, DoP&T