

INSTRUCTIONS TO COMPLAINANTS FOR MAKING COMPLAINTS TO THE COMMISSION

1) (3.11.1) **Lodging of Complaints:**

Complaints can be lodged by addressing a letter / e-mail directly to the Commission, giving the specific facts of the matter relating to corruption. The complaints can also be lodged directly on CVCs web-site. Procedure for lodging complaints under the PIDPI Resolution by the whistle-blowers is given in detail in Chapter IV.

2) (3.11.2) **Complainants to be careful before lodging complaints:**

Complainants are important stake holders for an anti-corruption institution like Central Vigilance Commission. The Commission expects that the complaints lodged with the Commission are genuine and not malicious, vexatious or frivolous; are based on verifiable facts and pertain to the Commissions jurisdiction. Complainants must keep in mind that the resources at the command of the Commission and other vigilance formations are precious; and so, it needs to be used prudently in unearthing serious issues of corruption that would serve the public interest. Apart from using the resources of the Commission, false and frivolous complaints create administrative delays in decision making like in the selection processes, project implementations apart from tarnishing personal reputations of the Government functionaries. Though there are provisions in law to deal with false and frivolous complainants, the same are not used ordinarily so that genuine complainants are not deterred. However, in appropriate cases of misuse of the provision with a malafide to harass or harm an innocent Government servant, necessary action could be taken against such complainants.

3) (3.11.3) **Guidelines:**

Keeping these aspects in perspective, the Commission desires that the complainants should follow some guidelines / instructions to make a meaningful contribution in the vigilance administration. Some of these guidelines are: -

- a) The complaint should not be anonymous or pseudonymous. If the complainant expects that the Commission should not file (take no action) their complaints on the basis of it being anonymous or pseudonymous, the complainants are expected to mention their name, correspondence address and contact details properly. It is also expected that the complainants will be quick to respond to the verification / confirmation being sought from them by the Commission.
- b) Similarly, complaints having incomplete / vague / generic observations are difficult to inquire into or investigate and are normally filed (no action taken). Therefore, it is expected

from the complainants to go through the complaint handling policy of the Commission, which is available on its website www.cvc.nic.in, so that only those complaints are lodged which are specific and where adequate evidence is enclosed so that it can indicate a substantive vigilance angle prima-facie.

- c) The complaint should not be biased or based on any personal grievances, not having any vigilance angle as such.
- d) The complaint should be in relation to Ministries / Departments/ Organisations falling within the normal jurisdiction of the Commission. For example, complaints against any authority pertaining to State Governments do not fall within the normal jurisdiction of the Commission and hence the same would be filed (no action taken). The process of filing complaints and its processing within the Commission may lead to the use of the resources within the Commission in an un-productive manner.
- e) The complainants who want to make whistle blower complaint under PIDPI Resolution are also expected to familiarise themselves with the proper procedure as enumerated in the Commissions Circular for complaints under PIDPI Resolution. If these procedures are not followed, then the complaints made there under will be treated like a general complaint and the identity of the complainant may get revealed. This may put the complainant in a disadvantageous position.
- f) The complainants are advised to raise only those issues in their complaints to Commission which may not have been raised by anyone before any authority. At times, the complainant addresses his complaint to multiple agencies rather than addressing to the Commission only. In such situations, it becomes very difficult for the Commission to initiate action as it is felt that since the complaint is addressed to other agencies they may take appropriate action in the matter. Therefore, it is expected from the complainant to address their complaints only to the Commission, in those cases where they expect action to be taken by the Commission.
- g) It has also been the experience of the Commission that some complainants raise a large number of issues in one complaint in a way that all the issues get mixed up / intertwined with each other and it becomes difficult to discern and delineate the specific issues individually. The Commission expects that the complainants, while forwarding their complaints to the Commission, should mention about the various specific issues one by one in a coherent manner so that any person of normal prudence can understand these issues unambiguously.
- h) It has also been observed that many a time, hand written complaints received in the Commission are not legible at all and it becomes difficult to understand the contents of

complaints and take appropriate action. If a hand-written complaint is forwarded to the Commission, it is expected that it should be legible. The same applies to the enclosures sent along with the complaints. All types of complaints, even if printed or photocopied should be clearly legible.

- i) The complainants are also expected to lodge complaints regarding only those issues having vigilance angle which are not part of any litigation in any courts, tribunals, etc., i.e. the matter should not be sub-judice.

4) (3.12) **ACTION AGAINST PERSONS MAKING FALSE COMPLAINTS**

- a) (3.12.1) If a complaint against a public servant is found to be malicious, vexatious or unfounded, it should be considered seriously whether action should be taken against the complainant for making a false complaint.
- b) (3.12.2) 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:
 - i) 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
 - ii) 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.

Illustrations:

- i) A informs a Magistrate that Z, a police officer, subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.
- ii) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be search of Zs premises, attended with annoyance to Z. A has committed the offence defined in this Section.
- iii) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the police will make enquiries and institute searches in the village to the annoyance of the

villagers or some of them. A has committed an offence under this section.

- c) (3.12.3) If the person making a false complaint is a public servant, it may be considered whether Departmental action should be taken against him as an alternative to prosecution.
- d) (3.12.4) 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.
- e) (3.12.5) In respect of complaints received by the Commission, while dealing with the matters if it comes across any such false complaint, the Commission may advise the administrative authority concerned about appropriate action to be taken. Regarding complaints received by the Departments/ organisation, the administrative authorities may also, at their discretion, seek the advice of the Commission in respect of such cases involving public servants.

5) (3.13) **WITHDRAWAL OF COMPLAINTS**

Some complainants, after confirming the complaint made by them, make a request for withdrawing the same or stopping the inquiry / investigation by the Commission / organisation. It is to be noted that once a complainant confirms the complaint and action has been initiated for inquiry/ investigation by the Commission / organisation, 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 complainants request for withdrawal of the complaint.

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