

Coal India Limited
Vigilance Division, Kolkata

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Complaint Handling Policy in CIL& its Subsidiary Companies.

CVC vide its circular No.15/7/09 dated 1st July 2009 has desired that a "Complaint Handling Policy" is laid down in all organizations / departments for receipt, handling and processing of all types of complaints / grievances from the public contractors, vendors, suppliers etc.

(A) Receipt and handling of complaints in different divisions / locations

- (a) The CVC has directed that any complaint received in the organization / department by a functionary containing any element of alleged corruption, mal-practice or misconduct etc. should necessarily be sent to the CVO of the organization for scrutiny and action. Accordingly, it should be ensured by HODs of different divisions that complaints having vigilance overtones are forwarded to Vigilance Division expeditiously. Vigilance angle has been defined in Office Order of CVC vide No. 23/04/04 dated 13.04.2004 read with 74/12/05 dated 21.12.2005.
- (b) As the various departments / institutions under CIL are also responsible to maintain atmosphere of probity, transparency and fairness in their functional domain, the complaint receiving authority should attend to the issues of misuse, mal-governance etc even while forwarding the complaint to the vigilance department. System improvement measures should also be taken to address the areas vulnerable to corruption and misuse.
- (c) The complaints received in any subsidiary relating to any incident at CIL level will be transferred to CVO, CIL /CVO, MOC as the case may be for necessary action.

(B) Complaint Handling in Vigilance Division

- (a) Handling of complaints shall be regulated by instructions / guidelines issued by CVC or DoPT from time to time as well as the provisions of CVC Manual. As the Vigilance Division deals only with matters of corruption, redressal of grievances should not be the focus of complaints to this division. If such complaints are received, it may be referred to existing grievance redressal mechanism or concerned Department in the company for resolution.

- (b) No action should be taken on anonymous/pseudonymous complaints and such complaints may either be simply filed or sent to concerned division for information. Anonymous complaints are complaints where the complainant has not revealed verifiable / traceable or contactable identity (eg name and address). On the other hand, pseudonymous complaints are those which have been filed under a false or fictitious name/identity. In such cases, the complainant may be mentioned by name, contact details etc. However, when the signatory of the complaint is contacted at the address/contact no./email-id etc mentioned in the complaint, the complainant disowns the complaint.
- (c) Complaints containing vague or general or sweeping and prima facie unverifiable allegations should also be filed without verification of identity of the complainant.
- (d) If a complaint contains verifiable allegations, but the same does not have apparent Vigilance angle (eg purely administrative in nature or individual grievance or technical lapses, such as late attendance, disobedience, insubordination, negligence, lack of supervision or operational or technical irregularities etc.), the complaint may be forwarded to concerned Division of CIL or subsidiary companies (through CVO of subsidiary concerned) for necessary action. Only complaints having vigilance angle shall be investigated by the Vigilance Department.
- (e) CVOs may take cognizance of complaints having vigilance angle and verifiable facts for detailed investigation. When in doubt, the pseudonymous character of a complaint may be verified by enquiring from the signatory of the complaint whether it had actually been sent by him. If he cannot be contacted at the address given in the complaint, or if no reply is received from him within 15 days followed by reminder of 15 days, it should be presumed that the complaint is pseudonymous and should accordingly be ignored.
- (f) If investigation into a complaint is undertaken under the belief that it is a genuine signed complaint, but later turns out to be pseudonymous, the CVC need not be consulted if it is found that the allegations are without any substance. But if the investigation indicates, prima facie, that there is some substance in the allegations, the CVC should be consulted as to the further course of action if it pertains to executives of the rank of GM and above.
- (g) In some cases, the complainant is not able to clearly articulate the allegations. In such cases, CVO should contact the complainant for such additional information/clarification that the complainant could provide so that investigation, if need be, could be undertaken on serious allegations in a focused manner.

- (h) If a complaint has been forwarded by CVC for investigation and report, the Vigilance Division shall treat it as a signed complaint/ source information and duly investigated though on the face of it the complaint may be anonymous/pseudonymous. Where the Commission asks for an inquiry and report, considering that the complaint is from an identifiable person, but it turns out to be pseudonymous, the CVO may bring the fact to the notice of the Commission and seek instructions whether the matter is to be pursued further.
- (i) Information gathered from reports, returns, news-papers etc. is included under the term "source information" and will be dealt with in the same way as other complaints. Information received verbally/telephonically will be reduced to writing and dealt with similarly. Receipt of information about corruption, malpractice or misconduct, from whatever source, would be treated as complaint.
- (j) A complaint may be marked to many authorities by complainant; hence only complaints addressed to Vigilance Office of CIL will be taken up for investigation by CIL Vigilance office in order to avoid parallel investigation. However, if copy of the complaint marked to CIL Vigilance Office discloses any serious matter, the investigation will be monitored or undertaken by CIL Vigilance office itself.
- (k) If the complaint received in CIL Vigilance relates to subsidiary companies, CVO CIL may either forward it to CVO of concerned subsidiary company for necessary action or investigation and report. If the complaint is forwarded for necessary action, no report is expected unless explicitly mentioned. On the other hand, if the complaint is sent to CVO of subsidiary company for investigation and report, report should be sent to CVO, CIL. Further action in the matter will be taken from the CIL level. However, if the same complaint is endorsed to CVO of subsidiary company by CVC/MOC for investigation, the investigation /fact finding report will be sent directly to CVC/MOC with a copy to CVO, CIL.
- (l) CVO, CIL may also take up any complaint relating to any subsidiary company for investigation through own officers. The CVO of subsidiary companies will extend all assistance to complete the investigation by vigilance officers of CIL. If any investigation is taken up concurrently by the CVO of a subsidiary company, he would hand over the findings to the CVO, CIL who would then continue with the further investigation.
- (m) If CVC/Ministry of coal entrusts any complaint relating to a subsidiary company to CVO CIL or CVO of another subsidiary company, CVO of the subsidiary company to which complaint relates will render all assistance to complete the investigation including collection of documents or recording statement of witnesses etc and share all available information.

- (n) Once a complaint has been registered as a vigilance case for detailed investigation/fact finding, it will be taken to logical conclusion after proper investigation. The investigation will be completed within the prescribed time limit of 3 months (one month for PIDPI complaint). The complaints received from CVC, MOC or CBI for necessary action will be taken up for preliminary fact finding and decide action on such complaint within a period of one month from the date of receipt of complaint. The detailed investigation will be taken up only after prime facie establishment of material facts and vigilance angle. CVC has clarified that complaint disposal would constitute only three categories – Investigation & Report (IR), Necessary Action (NA) and Filed (FD). Factual Report (FR) would not be sought while disposing of complaint.
- (o) As regards complaints containing allegations against tenders, while the Vigilance Division will investigate the matter, it would not interfere in the tendering process as such. The tender process need not be stopped. However, the allegations should be brought to the notice of the competent authority, including the purchase committee, tender committee, negotiation committee, IEM etc. The complaint should be taken up for investigation independently.
- (p) In cases where it is felt that investigation by Central Bureau of Investigation/ State Police is necessary in terms of circumstances enumerated in Clause 11.3.1 of CVC's Special Chapter on Vigilance Management in PSEs, the CVO will take decision with approval of the CMD.
- (q) The PIDPI/ Complaint against retiring employees/ Complaints against employees whose promotion/selection is due will be accorded priority.
- (r) CVC has laid down in circular no. 25/7/06 dated 6.6.03 & 006/VGL/065 dated 6.7.06 that complaint against Board level officials are within the purview of the administrative Ministry's CVO. Where complaints against Boards Level Officials are received, the same shall be forwarded to the CVO of the Ministry of Coal. If such complaints are referred to the CVO of the organization under the Ministry, he should gather all factual information and submit the same to the Ministry's CVO. He is not required to make analysis and draw conclusions. A copy of the report should be sent to the CVC for information.
- (s) As per CVC direction contained in circular No.57/8/04 dated 31.08.2004, to avoid unnecessary harassment to the officials against whom frivolous complaints are received at the time of their promotion/selection, the guidelines are that:

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

(C) PIDPI Complaints

- (a) PIDPI complaints will be handled as per Whistle Blower policy of CIL and instructions of CVC/DoPT.
- (b) When such complaints are received, it will be ensured by the CVO that identity of complainant is not disclosed and he is protected from any harassment.
- (c) When such complaints are received online through CIL portal, the information regarding the complainant's identity will not be revealed at the portal.

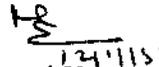
(D) Modality of complaint handling

- (a) The complaints can be filed by any mode of communication including telephone, fax, e-mail, mobile, online through website etc. However, it is desirable that it should be followed by a paper signed complaint / digitally signed e-Mail or document for proper record. Complaints sent on email should contain postal address (mobile / telephone number, if any) of the sender. Complaints on email received without this information will be treated as anonymous / pseudonymous and filed.
- (b) The complaints will be entered in a complaint register with running serial no. for reference with details like name of complainant, source of complaint, date of receipt, Officer complained against, subject of complaint, mode of disposal etc. It is desirable that all Departments maintain similar register for complaints/grievances received at their end.
- (c) 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 entered for verification /investigation in investigation register. IN CVC/MOC returns, only these cases may be reflected.
- (d) During course of investigation, the complainant may be contacted for further details if deemed necessary.

(E) Action against false complaint

After investigation if any complaint is found to be false, malicious, vexatious and personal vendetta, action may be taken under company's rules/ any other law of the land in terms of Clause 26 of the Special Chapter on Vigilance Management in PSEs. Habitual complainants making false complaints should be dealt with sternly and they may be blacklisted. A person making false complaints is liable for prosecution and/or disciplinary action, in case he/she is a public servant / employee of CIL. Any complaint from a person known to make frivolous complaints (unreliable complaint) may be filed with the approval of the CVO.

This policy has approval of the Chairman, CIL and takes immediate effect.


12/11/15
(Manoj Kumar)
Chief Vigilance Officer,
Coal India Limited

Distribution:

- Secretary, Ministry of Coal for information
- Secretary, CVC for information
- All FDs of CIL
- All CMDs/CVOs of subsidiaries
- All HODs of CIL
- GM(Vig), CIL for record.