





Complaint Handling Policy

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 'Be-Committed' – Business Ethics, Environmentally & Economically Sustainable, Customer Focus, Organizational & Professional Pride, Mutual Respect and Trust, Motivating Self & Others, Innovation & Speed, Total quality for Excellence, Transparent & Respected organization, Enterprising, Devoted.

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 general handling of complaints in an efficient, effective and professional manner wherein every possible step is taken to ensure that instances of misconduct 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 cause 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 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 Complaint :-

Receipt of information about corruption, malpractice or misconduct, from whatever source, would be termed as a complaint.

(Clause 3.1 of Chapter-III of CVC Vigilance Manual 2005).

3.0 Sources of complaints :-

Information about corruption, malpractice or misconduct on the part of NTPC employees, suppliers/contractors etc. may be received either (i) directly from employees of the NTPC Ltd., (ii) from the public, (iii) from Central Vigilance Commission (CVC) / Central Bureau of Investigation (CBI), (iv) from Management, (v) allegations in press, (vi) Vigilance surveillance checks, (vii) Audit Reports, (viii) through source information, etc.

(Clause 3.2.1 of Chapter-III of CVC Vigilance Manual 2005)

4.0 Lodging a complaint :-

Complaints can be lodged by addressing the letter / e-mail directly to the CVO at the e-mail indicated in the standard notice boards displayed in the Units / Offices, and also to the Vigilance Head of the respective Unit / Region, giving specific facts of the matter. The complaint can also be lodged directly on the NTPC website / CVC website.

(CVC circular no. 14/6/09 dated 5th June, 2009).

5.0 Information required while making a complaint :-

The Vigilance Department deals mainly with matters related to corruption and / or where there is a vigilance angle. Only those complaints which contain allegations of corruption / indicate presence of vigilance angle will be addressed. Complaints must contain factual details, verifiable facts and related matters. They should not be vague or contain sweeping allegations. Complaints which do not meet the above criteria may be filed or dropped.

6.0 Types of complaints :-

All complaints received by Vigilance are classified as under:-

- **Identifiable or signed complaints (s) :** 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 no. 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 no. 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(s)**: Source information received by the VE shall be reduced in writing and shall be treated as signed complaint.

• Whistle Blower complaints, otherwise known as Public Interest Disclosure and Protection of Informer (PIDPI), Complaints (P) :

CVC is the designated agency for receiving PIDPI complaints. Such complaints should be made to the CVC in the manner prescribed by the Commission. Complaints under PIDPI can be made only by post. These are complaints wherein the identity of the complainant is kept confidential, and the CVC forwards only the details of the complaint as 'source complaint'. The identity of the complainant is not revealed so as to ensure that the complainant is not victimized. The envelope should be super scribed 'PIDPI' or 'Whistle Blower'. The complainant should refrain from giving his name on the body of the letter. The personal details



should be separately given or given at the top or end of the letter so that they can be easily blocked out.

(CVC Office Order No. 38/6/2004 dated 8th June, 2004, 33/5/04 dated 17th May, 2004 10/02/05 dated 10th March 2005, 4/2/09 dated 27th February, 2009 and 9/5/09 dated 12th May, 2009)

Whistle Blower (PIDPI) complaints received in the office of CVO, NTPC shall be processed as per the extant guidelines of CVC.

7.0 Action on complaints :-

7.1 Signed complaints

Such complaints shall be processed as mentioned in the policy.

7.2 Anonymous and Pseudonymous complaints :-

Anonymous and pseudonymous complaints could be misused by disgruntled elements to harass honest officials. The CVC has, therefore, advised that no action is to be taken, as a general rule, on anonymous / complaints received. Although pseudonymous anonymous pseudonymous complaints should normally be dropped, the CVC has not precluded itself from taking any cognizance of any complaint on which action is warranted. The CVC has also advised that if such complaints apparently contain verifiable information and the department / organisation proposes to look into the verifiable facts alleged in such complaints, a verification may be carried out and on completion of the verification, if it is considered that a detail investigation is called for, then the prior approval of the CVC is necessary to take up investigation.

(Clause 3.8.1 & 3.8.2 of Chapter-III of CVC Vigilance Manual 2005, Circular no. 3(v)/99/2 dated 29^{th} June, 1999, 98/DSP/9 dated 31^{st} January 2002, 98/DSP/9 dated 11^{th} October, 2002, 98/DSP/9 dated 13^{th} August, 2003 and 006/VGL/065 dated 6^{th} July, 2006).

7.3 Source information

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

8.0 Action on complaints referred by the CVC :-

8.1 In case, the complaint does not attract vigilance angle, or the issue is of petty nature, the CVC forwards such complaints for necessary action, to redress the grievances of the complainant. The action taken report on these complaints is not required to be sent to the CVC for further advice, until and unless something more serious is brought out subsequently.



The complaint is to be disposed off by the departments / organizations themselves after necessary action.

(CVC office order no. 16/03/04 dated 1st April, 2004)

8.2 Wherever the CVC calls for 'action and report' on a complaint, it is treated as a signed complaint though on the face of the complaints, it may be anonymous / pseudonymous. A Report has to be submitted to the CVC in such cases for obtaining necessary advice of the CVC.

Wherever, the CVC calls for 'investigation and report' on a complaint, the reports of the investigation should normally be sent to the CVC. However, after the investigation, if it is found that the officials involved in the case do not fall under the jurisdiction of the CVC the case need not be referred to the CVC and may be dealt with by the CVO. In such cases, action taken by the CVO may be intimated to the CVC in order to monitor compliance. This dispensation does not apply to PIDPI complaints forwarded by them.

(CVC office order no. 53/09/03 dated 23rd September, 2003, 16/03/04 dated 1st April, 2004, 12/03/05 dated 16th March, 2005 and 03/01/10 dated 28th January, 2010).

8.3 Wherever, the CVC forwards a PIDPI complaint, such complaints are treated as a signed complaint and the investigation report are submitted to the CVC within a period of one month from the receipt of reference of the CVC.

(CVC office order no. 38/6/2004 dated δ^{th} June, 2004, 33/5/04 dated 17^{th} May, 2004, 10/02/05 dated 10^{th} March, 2005, 4/2/09 dated 27^{th} February, 2009 and 9/5/09 dated 12^{th} May, 2009).

9.0 Action on complaints under the purview of the Administrative Ministry :-

9.1 Complaints against Board Level Officials are within the purview of the CVO of the Administrative Ministry.

Where complaints against Boards Level Officials are received, the same shall be forwarded to the CVO of the Ministry of Power. In case, the Administrative Ministry calls for a report wherein the complaint is against Board Level officials(s), a factual report shall be sent to the Ministry and the copy of which shall be marked to the CVC.

9.3 At times, the complaints are forwarded by the Administrative Ministry for report. In all such cases, the factual report shall be sent to the Ministry, the copy of which shall also be endorsed to the CVC.



(CVC Office Order No. 25/4/05 dated 29th April, 2005 and 25/7/06 dated 6th July, 2006).

10.0 Processing of complaints :-

Checking the genuineness of the complainant by Vigilance Officers

10.1 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 will be reduced in writing

(Clause 1.2 of Chapter-II and Clause 3.8.1 of Chapter-III of CVC Vigilance Manual 2005, CVC circular no. 3(v)/99/1 dated 21^{st} June, 1999).

10.2 All complaints received at Corporate Vigilance Office shall be entered in a register maintained, for the 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 entered in the register for verification.

(Clause 3.4.3 of Chapter-III of CVC Vigilance Manual, 2005).

10.3 Project Vigilance

All complaints received by project vigilance shall be entered in a register and addressed as under :-

- a) All complaints shall be forwarded to Corporate Vigilance for further advice, by indicating the type of complaint (whether signed, anonymous or pseudonymous). Complaints in the local language shall be accompanied by English/Hindi translation of the same.
- b) In case complaint(s) are received wherein the complainant indicates that the identity should not be revealed, such complaints alongwith the original cover, should be forwarded directly to CVO, for further advice, by superscribing the envelope 'to be opened by addressee only'. Care is to



be taken by the Vigilance Head of the Project / Region not to reveal the identity of the complainant.

10.4 **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 officials act or for using his influence with any other official.
- (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
- (iii) Obtaining for himself or for any other person any valuable thing or pecuniary by corrupt or illegal means or by abusing his position as a public servant.
- (iv) Possession of assets disproportionate to his 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 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 a case, perceived after considering all relevant factors, would reinforce a conclusion as to presence of Vigilance angle.

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 positives response to this question may indicate the existence of bona-fides. A negative reply, on the other hand, might indicate their absence.

(Clause 1.6.1 of Chapter I of CVC Vigilance Manual, CVC Office Order No.23/04/04 dated13th April, 2004 and 74/12/05 dated 21st December, 2005).

10.5 **Processing of 'Non-Vigilance' Complaints**

(a) Complaints, which relate to purely administrative matters or technical lapses, such as late attendance, disobedience, insubordination, negligence, lack of supervision or operational or technical irregularities, etc., should not be entered in the register and should be dealt with separately under 'non-Vigilance complaints, in a separate register.

(Clause 3.4.3 of Chapter-III of CVC Vigilance Manual,2005)

(b) The complaint is to be forwarded to the administrative department concerned for disposal, in case the allegations are administrative in nature and no vigilance angle is involved.

(Clause 3.6 and 3.7 of Chapter-III of CVC Vigilance Manual, 2005)

(c) No action is necessary and the complaint shall be dropped and filed in case the allegations are vague and general and are, pima facie, unverifiable.

(Clause 3.5 of Chapter-III of CVC Vigilance Manual, 2005)

(d) Wherever the Regional Vigilance Executive, on perusal of the complaints referred at 10.5 (a to c) above, identifies the complaint to be a 'non-Vigilance Complaint', the same shall be put up to CVO for further advice. Further action shall be taken based on the advice of CVO, and entries made in the register accordingly.

10.6 **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 one month.
- (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 no verifiable allegations constituting a Vigilance Angle, a proposal may be submitted for dropping the complaint.
- (d) In case there are verifiable allegations in the complaint attracting vigilance angle, a proposal may be submitted for seeking a verification/Investigation report.
- (e) 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)

- (f) 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.
- *(g)* No cognizance should be taken of any complaint which is received within six months prior to the initiation of selection process for Board level positions.

(CVC office Order No. 57/8/04 dated 31st August, 2004).

(h) Any other disposal action, based on the merits of the issues raised in the complaint, the reasons of which shall be recorded.

On scrutinizing 'Vigilance complaints' entered in the register, Corporate Vigilance, shall analyse the complaint, indicate the type of complaint (whether signed, PIDPI, pseudonymous or anonymous) and shall submit a proposal to CVO and deal the complaints, in accordance with provisions mentioned at 10.6.

(Clause 3.4.3, 3.6 & 3.7 of Chapter-III of CVC Vigilance Manual 2005).

11.0 Time frame for verification :-

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

As and when advised by CVO of a verification of the complaint, Corporate Vigilance shall forward the complaint to the Vigilance Head of respective unit / Region and seek a verification report within a month under intimation to the RVE concerned.



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

12.0 Format of Verification Report :-

The verification 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.

13.0 Action on verification report :-

The RVE in Corporate vigilance on analyzing the findings of the verification 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) 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.

In case the allegations in the anonymous / pseudonymous complaint are found to be true after verification, the consent of the CVC is mandatory in case investigation is required to be done.

(Clause 3.8.1 of Chapter-III of CVC Vigilance Manual, 2005 Clause 16.2 of CVC's Special Chapter on Vigilance Management in PSEs and CVC's Office Order No. 25/7/06 dated 6th July, 2006).

Wherever verification has been called for under the belief that it is a genuine signed complaint and it subsequently comes out that the complaint is pseudonymous, the consent of the CVC is mandatory in case investigation is required to be done

(Clause 3.8.4 of Chapter-III of CVC Vigilance Manual 2005)

(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 11.3.1 of CVC's Special Chapter on Vigilance Management in PSEs)

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

14.0 Time frame for Investigation :-

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

(Clause 4.13.1 of Chapter-IV of CVC Vigilance Manual 2005, Office Order no.000/VGL/18 dated 23rd May, 2000 and 20.05.10 dated 19th May, 2010).

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.

15.0 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.

16.0 Action on Investigation Report :-

- 16.1 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.
- 16.2 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. GM & above.

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 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 the level** of GM, 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 9th May, 2005, 14/3/06 dated 13th March, 2006, 34/09/07 dated 27th 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.

17.0 Action against persons making false complaints :-

Section 182 IPC provides for prosecution of a person making a false complaint. Therefore, if a complaint against a public servant is found to be malicious, vexatious or unfounded, serious action should be considered against the complainant. Section 182 IPC reads as under :-

"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 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."

Under Section 195(1) (e) Cr.P.C., 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.

Alternatively, if the complainant is a public servant, it may also be considered whether departmental action should be taken against him as an alternative or in addition to prosecution.

(Clause 26 of the Special Chapter on Vigilance Management in PSEs)



References				
S.N.	Detail			
1.	CVC Vigilance Manual 2005			
2.	CVC Special Chapter on Vigilance Management in PSEs			
3.	CVC Office Order/ Circulars			
	No.	Date	Detail	
(i)	3(v)/99/1	21 st June, 1999	Complaint receipt	
(ii)	3(v)/99/2	29 th June, 1999	Anonymous/Pseudonymous	
(iii)	3(v)/99/3	7 th July, 1999	Special chapter	
(iv)	98/DSP/9	31 st January, 2002	Anonymous/Pseudonymous	
(v)	98/DSP/9	11 th October, 2002	Anonymous/Pseudonymous	
(vi)	NZ/PRC/01	12 th May,2003	First Stage Advice (FSA)	
(vii)	98/DSP/9	13 th August, 2003	Anonymous/Pseudonymous	
(viii)	53/09/03	23 rd Sept., 2003	Anonymous/Pseudonymous	
(ix)	12/02/04	26 th February, 2004	FSA	
(x)	16/03/04	1 st April,2004	CVC referred complaints	
(xi)	23/04/04	13 th April,2004	Definition of Vigilance angle	
(xii)	33/5/04	17 th May, 2004	PIDPI	
(xiii)	38/6/2004	8 th June, 2004	PIDPI	
(xiv)	57/8/04	31 st August,2004	Time limits	
(xv)	10/02/05	10 th March,2005	PIDPI	
(xvi)	25/04/05	29 th April,2005	Complaints under purview of Administrative	
			Ministry	
(xvii)	30/05/05	9 th May,2005	FSA	
(xviii)	74/12/05	21 st December, 2005	Vigilance angle definition	
(xx)	14/3/06	13 th March, 2006	FSA	
(xxi)	34/09/07	27 th September,	FSA	
	3 1, 03, 07	2007		
(xxii)	4/2/09	27 th February, 2009	PIDPI	
(xxiii)	9/5/09	12 th May, 2009	PIDPI	
(xxiv)	14/6/09	5 th June, 2009	Standard Notice Board	
(xxv)	15/07/09	1 st July, 2009	Complaint Handling Policy	
(xxvi)	21/08/09	6 th August, 2009	FSA	
(xxvii)	20/05/10	19 th May, 2010	Time limits	
(xxviii)	03/03/11	11 th March, 2011	FSA	

The above circulars can be downloaded from the link <u>www.cvc.nic.in</u>