

**BHARAT ELECTRONICS LIMITED**  
**Corporate Office**

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**COMPLAINTS HANDLING POLICY**

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## **COMPLAINTS HANDLING POLICY**

- 1.0 Bharat Electronics Limited a premier Defence Sector Public Undertaking believes in the highest level of personal and institutional integrity. The core values of the Company are “Be committed” to Business Ethics, Environmentally and Economically sustainable, customer focus, organisational and professional pride, mutual respect and trust, self motivation and motivation of others, Quality Technology and Innovation.
- 1.1 The Company believes in integrity and transparency in all sphere of activities covering recruitment, promotions marketing, finances and public procurement processes , and has zero tolerance towards any form of corruption.
- 1.2 The complaint handling policy is designed to provide guidance on the manner in which BEL receives and handles complaints against its employees, suppliers, contractors and group of persons involved in public procurement.
- 1.3 The objective of the policy is to assist the Management and public in general in general handling of the complaint 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 mischievous nature.
- 1.4 The Chief Vigilance Officer (CVO), CMD and Chairman of Vigilance Units in the Corporate Office/Business Units/Strategic Business Units in Bangalore Complex may cause an enquiry into any complaint concerning the functions / activities of any of the projects / Regions/ Joint Ventures / subsidiaries .
- 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.

### **2.0 PHILOSOPHY OF COMPLAINT HANDLING:**

- 2.1 The Complaint Handling Policy is available on the BEL website and also on the Company's intranet.
- 2.2 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.
- 2.3 Complaints given in person are acknowledged immediately / Complainants will be treated courteously.
- 2.4 Each complaint is addressed in an equitable, objective and unbiased manner in line with the Complaint Handling Policy.
- 2.5 There is no fee/cost to the complainant for making a complaint.

- 2.6 A person making false complaints is liable for prosecution and/or disciplinary action, in case he/she is a public servant / employee of BEL.
- 2.7 Information regarding personal identity etc. of complainants shall not be disclosed, if so desired by the complainant.
- 2.8 The Vigilance Officer will ensure that the complaints are addressed in transparent and fair manner within the specified/reasonable time frame.
- 2.9 Based on the feedback received, the Company shall initiate necessary action for systemic improvements.
- 3.0 DEFINITION OF COMPLAINT:** Receipt of information about corruption, malpractice or misconduct, from whatever source, would be termed as a complaint.

**4.0** The Vigilance Set Up in Bharat Electronics is given in **Annexure - I**.

**5.0 SOURCE OF INFORMATION AND COMPLAINTS:**

**5.1** A Complaint includes all types of information containing allegations of Misconduct against Public Servants, the sources can be classified as mentioned below:

- i) Complaints received from employees of the organization.
- ii) Complaints received from vendors/suppliers, customers or from the public.
- iii) Departmental inspection reports and stock verification surveys.
- iv) Scrutiny of annual property statements.
- v) Scrutiny of transactions reported under the Conduct Rules.
- vi) Reports of irregularities in accounts detected in the routine audit of accounts; e.g., tampering with records, over-payments, misappropriation of money or materials etc.
- vii) Audit reports on Government accounts and other corporate bodies etc.
- viii) Reports of Parliamentary Committees like the Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings.
- ix) Proceedings of two Houses of Parliament.
- x) Complaints and allegations appearing in the press etc.
- xi) Source information, if received verbally from an identifiable source, to be reduced in writing and
- xii) Intelligence gathered by agencies like CBI, local bodies etc.

In addition, the Chief Vigilance Officer concerned may also devise and adopt such methods as considered appropriate and fruitful in the context of nature of work handled in the organization, for collecting intelligence about any malpractice and misconduct among the employees.

**5.2** Complaints are an important source of information about the corruption, Malpractice and Misconduct on the part of public servants. Receipt of information about corruption, malpractice or misconduct from whatever source, would be termed as a complaint. Information about corruption, malpractice or misconduct may flow to CVO/VOs of Units or SBUs/Administrative Authority/

CVC/CBI/Police Authorities from any of the following sources as given in following Para 5.2. Complaints can be classified as:

- a. Written – Signed
- b. Oral / Verbal
- c. Anonymous / Pseudonymous

## **6.0 DEFINITION OF VIGILANCE ANGLE:**

**6.1** Vigilance angle is obvious on 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 considering or with inadequate consideration from a person with whom he has or likely to have official dealings or his sub ordinates 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 sources of income.
- (v) Cases of misappropriation, forgery or cheating or other similar offences,
- (vi) Any undue / unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to presence of a vigilance angle.
- (vii) Other irregularities, where circumstances will have to weighed carefully to take a view whether Officer's integrity is in doubt, Gross or wilful 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 officers/superiors in 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 officers concerned.

**6.2** Commercial risk taking forms parts of business. Therefore, every loss caused to the organisation, either in the pecuniary or non pecuniary terms, need not necessarily become the subject matter of a vigilance enquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial /operational interests of the organisation is one possible criterion for determining the bona fides of the case. A positive response to this question may indicate the existence of bona fides. A negative reply, on the other hand, might indicate their absence.

## **7.0 LODGING OF COMPLAINT:**

**7.1** Complaint can be lodged by addressing the letter / e-mail directly to the CVO at the address indicated in the Standard Notice Boards displayed in the reception of the Units / Offices and also to Vigilance Head of the respective Unit / Region giving specific facts of the matter. The complaint can also be lodged directly on the BEL website ([www.bel-india.com](http://www.bel-india.com)) / CVC website. ([www.cvc.nic.in](http://www.cvc.nic.in))

**7.2** 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.

## **8.0 REGISTRATION OF COMPLAINTS:**

**8.1** Every Vigilance Section of Units/SBUs will maintain a vigilance complaints register in the prescribed format in 3 Parts. Part I for Executives, Part II for Non-Executives and Part III for non-vigilance complaints. If complaint relates to Executives (with or without Non-Executives), then it should be entered in Part I and if it relates to Non-Executives only, it should be entered in Part II. Vigilance Officer will sign the entries in the Vigilance Complaint Register. Every Vigilance Section of Units/SBUs will maintain a vigilance complaints register

**8.2** Normally an employee/executive can enter a direct complaint in the complaint Register provided in the vigilance office of the respective Units/SBUs giving Information about corruption or other kinds of malpractice. While genuine Complainants should be afforded protection against harassment or victimization; serious notice should be taken if a complaint, after verification, is found to be false and malicious. There should be no hesitation in taking severe departmental action or launching criminal prosecution against such complainants.

**8.3** Every complaint, irrespective of its source, would be entered in the prescribed format in the complaints register chronologically as it is received or taken notice of. A complaint containing allegations against several officers may be treated as one complaint for the purpose of statistical returns.

**8.4** Entries of 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 made in the register. 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 be dealt with separately under "non-vigilance complaints". Then it may be separately entered in the above register in Part III and after entering the details, the complaints may be forwarded to HR or the concerned department for further action.

**8.5** Complaints received in the Unit/SBU will be registered and examined initially by respective Vigilance Officer. If complaint relates to Executives then it should be forwarded to Corporate Vigilance with intimation to Chairman vigilance committee. Then CVO will decide action to be taken on the complaint according to the nature of each complaint. If it relates to Non-Executives, The Unit/SBU Vigilance Officer can take suitable action on the complaint with permission of Chairman Vigilance Committee with intimation to Corporate Vigilance according to the nature of each Complaint.

**8.6** 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.

8.7 The CVO may decide, according to the nature of each complaint, that does not merit any action and may be filed, or it should be sent to the administrative Department concerned for disposal, or for inquiry and report, or it should be sent to VO for detailed investigation, or the CVO himself can undertake the inquiry.

8.8 The Format of Complaint registered is given in **Annexure II**.

## 9.0 **TYPE OF COMPLAINTS:**

9.1 **Identified and signed complaints:** 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. Source Information received by VO shall be reduced in writing and shall be treated as signed complaint

9.2 **Pseudonymous complaints:** These are the complaints wherein the identity of complainant is mentioned by virtue of name, contact details. However where the signatory of 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.

9.3 **Anonymous complaints:** These complaints where the complainant has not revealed verifiable or traceable or contactable identity while making the complaint.

9.4 **Whistle Blower Complaint: [otherwise known as Public Interest Disclosure and Protection of Informers (PIDPI)].**

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

9.5 Whistle Blower (PIDPI) complaints received in the Office of CVO / BEL shall be processed as per CVC guidelines.

## 10.0 **ACTION ON COMPLAINTS:**

**10.1 Signed complaints:** Such complaints shall be processed as mentioned in the policy. Source complaints / information received in writing shall be treated as signed complaint and processed as mentioned in the policy.

**10.2 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 / pseudonymous complaints received. Although 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.

**10.3 Action on complaints referred by CVC:** 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 grievance 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 subsequently. The complaint is to be disposed off by Vigilance departments / organisation themselves after necessary action.

**10.4** 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.

**10.5** 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.

**11.0 Complaints under the purview of the Administrative Ministry:**

**11.1** Complaints against Board Level Officers are within the purview of the CVO of the Administrative Ministry.

**11.2** Complaints against Board Level appointee are forwarded to the CVO of the Ministry of Defence. In case MoD calls for a report wherein the complaint is against Board Level officials. Factual Report shall be sent to the Ministry. The copy of such report shall be forwarded to CVC.

**11.3** 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.

## **12.0 PROCESSING OF COMPLAINTS:**

### **Checking the genuineness of the complainant by Vigilance Officers**

**12.1** 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.

## **13.0 PROCESSING OF NON VIGILANCE COMPLAINTS:**

**13.1** 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.

**13.2** 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.

**13.3** No action is necessary and the complaint shall be dropped and filed in case the allegations are vague and general and are, prima facie, unverifiable.

**13.4** Wherever the Vigilance Officer, 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.

## **14.0 PROCESSING OF COMPLAINTS HAVING VIGILANCE ANGLE:**

**14.1** 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.

**14.2** The complaint may be forwarded to the Administrative Ministry wherever the role of Board Level Officials has been alleged.

**14.3** In case there are no verifiable allegations constituting a Vigilance Angle, a proposal may be submitted for dropping the complaint.

**14.4** In case there are verifiable allegations in the complaint attracting vigilance angle, a proposal may be submitted for seeking a verification/Investigation report.



- 14.5** 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.
- 14.6** 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.
- 14.7** 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.
- 14.8** Any other disposal action, based on the merits of the issues raised in the complaint, the reasons of which shall be recorded.
- 14.9** 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.

**15.0 INVESTIGATION OF COMPLAINTS:**

- 15.1** Investigation can be done by IO or any other officer considered suitable in the particular circumstances of the case; e.g. it may be advisable to entrust the conduct of the preliminary enquiry to a technical officer if it involves examination and appreciation of technical data or documents. Similarly, the administrative authority may entrust the investigation to an officer of sufficiently higher status if the employee/ executives complained against is of a senior rank.

**16.0 PROCESS OF INVESTIGATION :**

- 16.1** The purpose of investigation is to determine whether there is prima facie substance in the allegations. Investigation can be conducted as given below:

- 17.0 FACT VERIFICATION/FACT FINDING ENQUIRY:** A preliminary Fact Finding Enquiry be conducted to know if prima facie, there is adequate substance in the complaint. The Fact Verification can be made depending upon the nature of the allegation by verifying certain documents, files, official records etc. in a tactful manner. If the Fact Finding Enquiry / Fact Verification brings out some substance in the complaint, then a full-fledged investigation should be conducted.

Fact Verification Report (FVR) may be prepared indicating:

- (i) Reference
- (ii) Allegation
- (iii) Examination of rules

- (iv) Examination of documents
- (v) Violation of procedures, rules and directions.
- (vi) If allegations are proved mention the allegation with names of the officials who are responsible for the violations indicating the financial loss to the company or gain to the individual or others.
- (vii) Any other facts, relating to the case or the complaint.
- (viii) Recommendation for detailed investigation report.
- (ix) Format of FVR is as per the **Annexure – III**.

**17.1 Action on Fact verification report:** Vigilance Officers in Corporate vigilance on analyzing the findings of the verification report submitted by the Vigilance Officer of the Unit/SBU may be guided by the following provisions of CVC while submitting the observations to CVO:

**17.2** To close the complaint, if there is no merit in the allegations made in the complaint.

**17.3** To forward the findings to respective Departmental / Disciplinary Authorities for necessary administrative action.

**17.4** 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.

**17.5** 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.

**17.6** 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.

## **18.0 FULL FLEDGED INVESTIGATION:**

If the Fact Verification brings out some substance in the complaint, then a full fledged investigation should be conducted as detailed below:

- (i) If the allegations contained information which can be verified from any document or file or any other departmental records.
- (ii) All the rules, procedures (Purchase, Sub-Contract and Works Contract) and guidelines / directions relevant to the event / transactions shall be examined in detail.

- (iii) All the documents concerning allegations / transactions shall be examined in detail and the papers found to contain evidence supporting the allegations should be taken over for retention to guard against the such evidence being tampered with. If the papers in question are required for any current action, the Investigating Officer may retain authenticated copies for the purpose of investigation and handover the original documents to the Officer who requires them for current action and making him responsible for the safe custody of the documents.
- (iv) Find out the violations of the rules / procedures prescribed in BEL.
- (v) Find out the officials who are responsible for the violations of the rules and procedures.
- (vi) Ascertain if there is a financial loss caused by the violation of rules / procedures by each official and / or gain caused to an official / other parties.
- (vii) In case where the available facts are likely to be known to other employees the Investigating Officer should interrogate such employees orally or ask for their written statements. He should make a full record of the oral statement, which the person interrogated should be asked to sign in token of confirmation and Investigating Officer should also sign after writing "statement recorded by me". Where, any important facts have been disclosed during oral interrogation or any written statements, these should be verified with documentary or collateral evidence to make sure of the facts.
- (viii) In cases where enquiries from the employees of any other Government department or Office is considered necessary, the Investigating Officer may seek the assistance of the department concerned.
- (ix) In certain types of complaints pertaining to works, the Investigating Officer may find it helpful to make site inspections or surprise checks to verify facts on the spot and also to take suitable action to ensure that the evidence in support of the allegations is not disturbed.
- (x) After Investigation, the documentary evidence should be assessed on the facts, which have emerged from the examination of documents and explanation of the concerned parties to arrive at a conclusion as to what is proved against whom, allegation wise.

**18.1** To give an opportunity to the accused of misconduct, it is desirable the Investigating Officer obtains the suspect Officer's version of facts / information/ explanation. At this stage, there is no question of making available to him any documents.

**18.2** On completion of the Investigation process the Investigating Officer is expected to prepare a self-contained report including the material available to controvert the defence. The Investigation Report should contain the explanation of suspect Officer and the fact that an opportunity was given to the Officer concerned should be mentioned in the Investigation Report even if the Officer did not avail of it. The Investigating Officer should also take all

connected documents in his possession, as this becomes necessary if departmental action has to be taken against the Officer.

### **18.3 The investigation report should contains :**

- Reference to the allegation.
- Details of allegation.
- Whether allegation substantiated
- Details of the relevant rules, procedures, guidelines, directions relevant to the event / transaction (extracts to be enclosed).
- Facts emerging from the examination.
- Details of violations of rules and procedures prescribed in BEL.
- Details of officials responsible for the violations / misconduct.
- Estimation of financial loss caused to the company or financial gain caused to the official/ other parties.
- Details of the documents concerning allegation transactions, documents or copies of the documents to be enclosed.
- Statement of witnesses, who corroborates and support allegations (oral / written).
- Oral / written statements of the suspected officials regarding the violations of rules and procedures, assessment of documentary evidence to arrive at a conclusion as to what is proved against whom allegation wise.
- Examination of evidence leading to the proof of allegation and suspected officials version of the case.
- Details of the Officers and details of the misconduct for violation of procedures, conclusion of the Investigating Officer bringing out the proved allegations against each official with reference to relevant misconduct as mentioned in standing orders or CDA rules.
- Recommendation of the Investigation Officer against each suspect official for minor penalty / major penalty, criminal prosecution etc.
- Copies of relevant documents, relevant guidelines and procedures, oral/ written statements, allegations proved, misconduct identified etc. should be enclosed to the report.
- The report should be brief with clarity and accuracy.
- Format of Investigation Report is as per the **Annexure - IV**.

**18.4** The investigating officer will submit his report in the prescribed format to the CVO, who will decide whether on the basis of the facts disclosed in the report of the preliminary enquiry, the complaint should be dropped or whether regular departmental proceedings should be recommended against the employee/executive concerned or the administration of a warning or caution would serve the purpose.

**18.5** CVO will forward the investigation report to the disciplinary authority, along with his own recommendations, for appropriate decision.

**18.6** Then the disciplinary authority will proceed to make a departmental enquiry. The decision, whether departmental action should be taken against a employee/ executive concerned should be decided by the authority competent to award appropriate penalty specified in the BEL CDA Rules. In respect of vigilance cases, the Disciplinary Authority should seek CVO's advice before imposing proposed penalty

- 18.7** CVO, while submitting his report/comments to the disciplinary authority, should also endorse an advance copy of the investigation report to the Commission if a category 'A' Officer is involved, so that it may keep a watch over deliberate attempts to shield the corrupt officer either by delaying the submission of investigation report to the Commission or by diluting the gravity of the offences/misconducts.
- 18.8** In cases, where during the course of the preliminary enquiry or before a decision is taken on the report of the preliminary enquiry, a public servant is transferred to another post, the decision should be taken by the disciplinary authority of the latter post. The Commission's advice would, however, be obtained in category 'A' cases before the competent authority takes a final decision in the matter.

**19.0 PARALLEL INVESTIGATION BY HR DEPARTMENT :**

It is found that sometimes, parallel investigation and enquiries are conducted by Human Resources Department in respect of allegations of misconduct where vigilance angle may be involved. This amounts to duplication of work leading to confusion and discrepancy in reports and affects the proper investigation. Also sometimes vigilance department may not be aware of such investigation by Human Resources Department. To know the exact status of investigations of allegations involving vigilance angle, details of investigation cases and departmental enquiries pending in SBU/Unit, HR departments should furnish report to Corporate Vigilance every month in the format prescribed (as per the letter No.21326/19/06-07/CO-VIG Date: 13<sup>th</sup> September, 2006). Details should include pending cases and departmental enquiries covering the cases appropriation, theft, fraud and dishonesty in case of Company business or property, misuse / abuse of facilities given by the Company (like HRA, LTC, Interest Subsidy, Loan etc.), any illegal gratification, false statements made in application for appointment, forgery, falsification of records and other cases involving vigilance angle. However, investigation cases and departmental enquiries pending in respect of indiscipline cases, absenteeism, gambling, sleeping while on duty, proxy punching, insubordination, disobedience, habitual late attendance which are purely of indiscipline cases not involving vigilance angle should not be covered in the above report.

The format of register for recording Disciplinary proceedings is given in **Annexure – IV**.

**20.0 TIME LIMIT OF VERIFICATION:**

- 20.1** A Decision on complaint, whether to be filed or to be entrusted to CBI or passed to CVC or taken up for investigation or to sent to the concerned administrative authority as having no vigilance angle for necessary action. One month from the receipt of the complaint.
- 20.2** Conduction of Fact Verification / Fact finding inquiry and submission of report. Two months from the receipt of the complaint.

- 20.3** Conduction of Full pledged investigation and submission of investigation report. Three months from the receipt of the complaint.
- 20.4** Department's comments on the CBI reports requiring Commission's advice. One month from the date of receipt of CBI report by the disciplinary authority.
- 20.5** Referring departmental investigation reports to the Commission for advice. One month from the date of receipt of investigation report.
- 20.6** Reconsideration of the Commission's advice, if required. One month from the date of receipt of Commission's advice.
- 20.7** Issue of charge-sheet if required. Two months from the date of receipt of investigation report.
- 20.8** Issue of final orders in minor penalty cases. Two months from the receipt of Enquiry Report.
- 20.9** Appointment of Inquiry Officer /Presenting Officer in major/minor penalty cases. 15 days from receipt of reply given by accused to the charge sheet.
- 20.9.1** Conducting departmental inquiry and submission of report. Six months from the date of appointment of IO/PO.
- 21.0** **Action against person making false complaints:** Section 182 of Indian Penal Code provides for prosecution of a making false complaint. There, if a complaint against a public servant is found to be malicious, vexatious or unfounded, serious action should be considered against the complainant. Section of IPC provides for a punishment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

## **References CVC and DOPT Circulars/Guidelines**

|   |   |
|---|---|
| 1 | CVC Vigilance Manual 2005                           |
| 2 | CVC Special Chapter on Vigilance Management in PSUs |
| 3 | CVC Office Orders/Circulars                         |

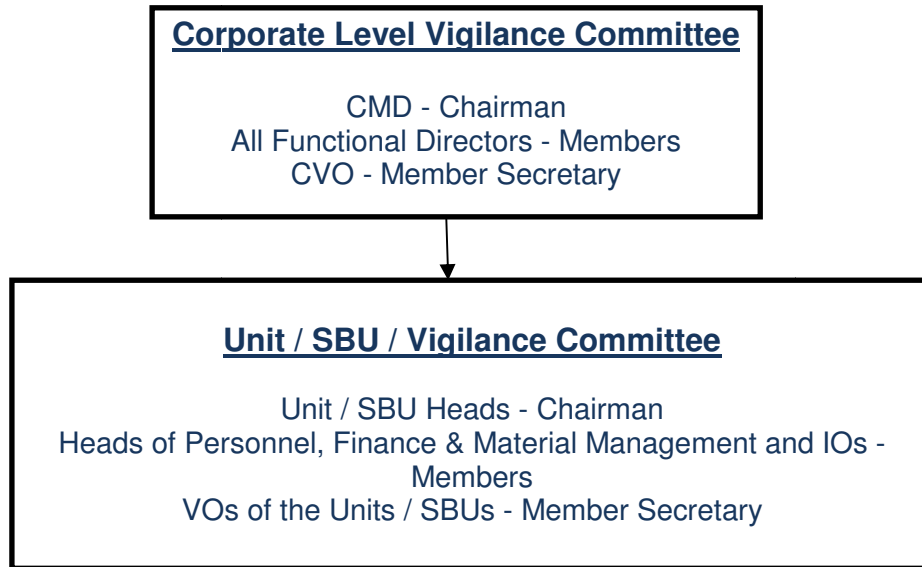
| <b>Sl. No.</b> | <b>Circular reference</b> | <b>Date</b>       | <b>Detail</b>   |
|----------------|---------------------------|-------------------|---|
| 1              | 3(v)/99/1                 | 21-06-1999        | <u>Receipt of Complaint</u>   |
| 2              | 3(v)/99/2                 | 29-06-1999        | <u>Anonymous/Pseudonymous Complaints</u>                                |
| 3              | 3(v)/99/3                 | 07-07-1999        | <u>Special on Vigilance Management in PSUs</u>                          |
| 4              | 98/DSP/9                  | 31-01-2002        | <u>Anonymous/Pseudonymous Complaints</u>                                |
| 5              | 98/DSP/9                  | 11-10-2002        | <u>Anonymous/Pseudonymous Complaints</u>                                |
| 6              | 98/DSP/9                  | 13-08-2003        | <u>Anonymous/Pseudonymous Complaints</u>                                |
| 7              | <u>53/09/03</u>           | <u>23-09-2003</u> | <u>Anonymous/Pseudonymous Complaints</u>                                |
| 8              | 12/12/04                  | 26-02-2004        | FSA   |
| 9              | 16/03/04                  | 01-04-2004        | Handling of CVC referred Complaints                                     |
| 10             | 23/04/04                  | 13-04-2004        | Definition of Vigilance Angle   |
| 11             | 33/05/04                  | 17-05-2004        | PIDPI   |
| 12             | 38/6/2004                 | 08-06-2004        | PIDPI   |
| 13             | 57/08/04                  | 31-08-2004        | Time limits for handling of complaints                                  |
| 14             | 10/02/05                  | 10-03-2004        | PIDPI   |
| 15             | 25/04/05                  | 29-04-2005        | Complaints under purview of Administrative Ministry                     |
| 16             | 30/05/05                  | 09-05-2005        | FSA   |
| 17             | 74/12/05                  | 21-12-2005        | Vigilance angle definition  |
| 18             | 14/03/06                  | 13-03-2006        | FSA   |
| 19             | 34/09/07                  | 27-09-2007        | FSA   |
| 20             | 04/02/09                  | 27-09-2009        | PIDPI   |
| 21             | 09/5/09                   | 12-05-2009        | PIDPI   |
| 22             | 14/6/9                    | 05-06-2009        | Standard Notice Board   |
| 23             | 15/7/09                   | 01-07-1999        | Complaint Handling Policy   |
| 24             | 21/08/09                  | 06-08-2009        | FSA   |
| 25             | 20/05/10                  | 19-05-2010        | Time limits   |
| 26             | 03/03/11                  | 11-03-2011        | FSA   |
| 27             | No.104/76/2011-AVD.I      | 18-10-2013        | Guidelines regarding handling of complaints in Ministries/ Departments. |

***The above Circulars can also be downloaded from CVC website ([www.cvc.nic.in](http://www.cvc.nic.in))***

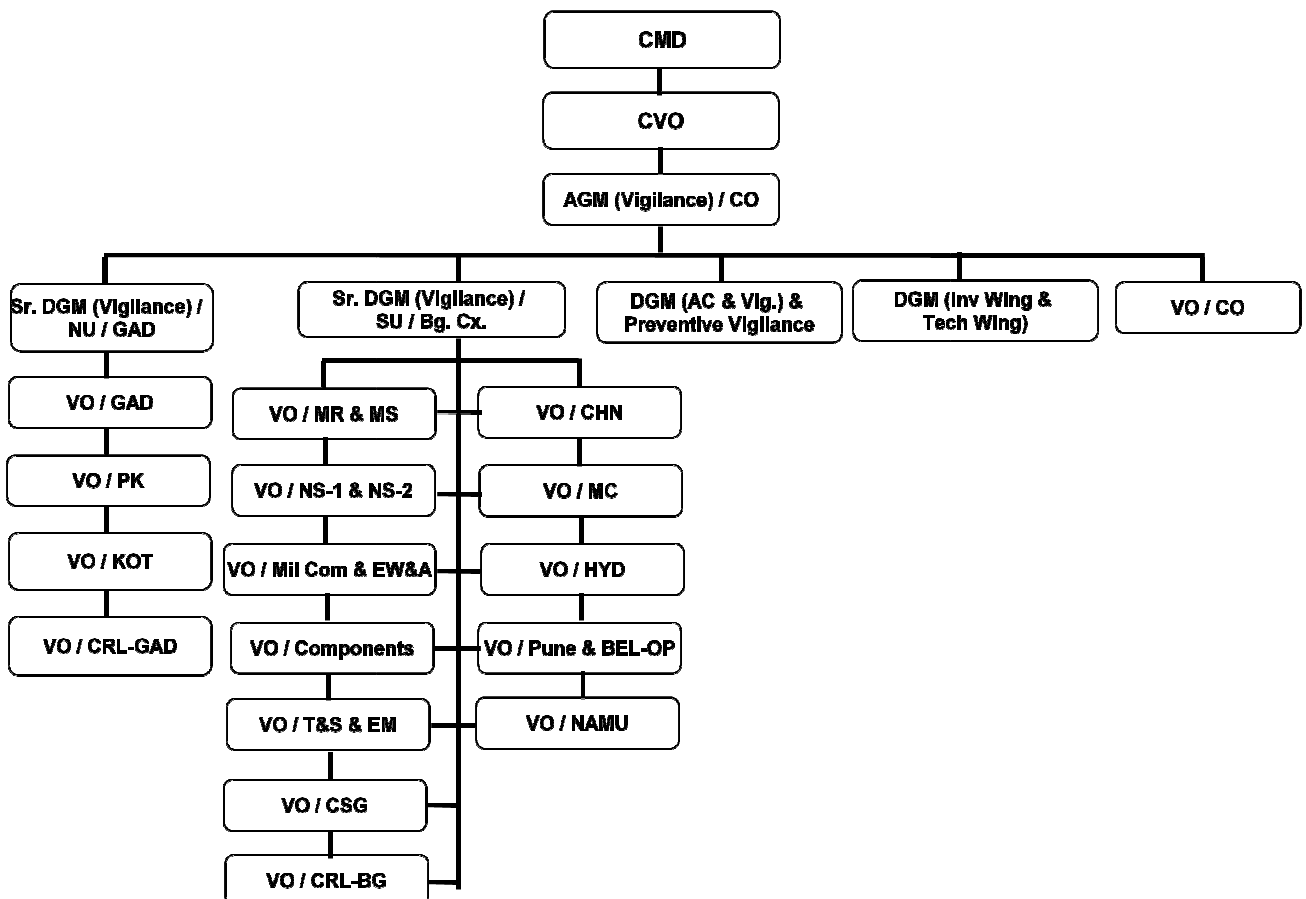
**ANNEXURE - I**

**VIGILANCE SET UP IN BHARAT ELECTRONICS**

**VIGILANCE COMMITTEES :**



**VIGILANCE ORGANISATION CHART**





**Annexure II**

**Register of Complaints – Format**

|     |     |     |     |   |  |     |      |      |      |      |      |      |  |
|-----|-----|-----|-----|---|--|-----|------|------|------|------|------|------|--|
| (1) | (2) | (3) | (4) | Against whom the allegations are made   | (8)  | (9) | (10) | (11) | (12) | (13) | (14) | (15) |  |
|     |     |     |     |   | General<br>(where no specific name is mentioned) |     |      |      |      |      |      |      |  |
|     |     |     |     |   | Name of the Executive                            |     |      |      |      |      |      |      |  |
|     |     |     |     | Name of the Non-Executive   |  |     |      |      |      |      |      |      |  |
|     |     |     |     | Unit  |  |     |      |      |      |      |      |      |  |
|     |     |     |     | Action taken (Filed without investigation, Sent to CBI, taken up for investigation)                 |  |     |      |      |      |      |      |      |  |
|     |     |     |     | If taken up for investigation Name of IO, Designation   |  |     |      |      |      |      |      |      |  |
|     |     |     |     | Date of Action taking up for Invgn.,/ CBI / Filing)   |  |     |      |      |      |      |      |      |  |
|     |     |     |     | Date of rcpt. of Invgn. Report  |  |     |      |      |      |      |      |      |  |
|     |     |     |     | Whether allegation proved or not (if proved, gist)  |  |     |      |      |      |      |      |      |  |
|     |     |     |     | Action on Investigation Report (filed when align. Not proved / if proved, date of sending it to DA) |  |     |      |      |      |      |      |      |  |
|     |     |     |     | Signature of VO   |  |     |      |      |      |      |      |      |  |

## ANNEXURE- III

### **FORMAT** **SOURCE INFORMATION - FACT VERIFICATION REPORT**

*(Whenever some information is given by some source or some verifiable facts are mentioned in the anonymous complaint, which need to be verified, this format should be used for fact verification report)*

**1.0 REFERENCE:** Mention the reference by which the fact verification is taken up.

**2.0 ALLEGATION:**

2.1 This should specify in brief the allegation contained in the source information.

2.2 Specify against whom allegation is?

2.3 The allegations are to be serially numbered.

**3.0 ADHERENCE TO SCHEDULE :**

State date of receipt of source information for fact verification and date of sending the Fact Verification Report (maximum 2 months).

State whether allegations are substantiated partly / fully by the fact verification?

**4.0 FACT VERIFICATION :**

4.1 Examination and mention of the :

4.1.1 Rules

4.1.2 Procedures (Purchase/Sub contract/Works Contract)

4.1.3 Guidelines /Directions relevant to the event/transactions (Enclose extract of relevant provisions)

4.2 Examination of Documents :

Examination of documents concerning allegations / transactions. Facts emerging from the examination.

(Take authenticated copies in custody)

4.3 Violations of Procedures/Rules/Directions :

From examination of documents, what are violations vis-à-vis the procedures prescribed as approved by BEL, by different persons? If financial loss caused, then estimation of the correct financial loss.

**5.0 CONCLUSION :**

5.1 If allegations are proved by fact verification, then mention what is proved, against which official / employee and also mention financial loss to the Company or gain to individual or vendors if any.

5.2 If allegations not proved, mention accordingly.

**6.0 RECOMMENDATION :**

Whether detailed investigation is recommended or if any other action proposed.

**7.0 ANNEXURES :**

7.1 Copies of relevant documents.

7.2 Extracts of relevant guidelines and procedures.

**NOTE:** The Language of the report should satisfy four basic requirements,

- a) Brevity
- b) Clarity
- c) Accuracy
- d) Readability

## **ANNEXURE- IV**

### **FORMAT OF INVESTIGATION REPORT**

*[(i) When there is a written complaint received and Investigation Report is asked, then this format should be used or*

*(ii) When there is a prima-facie case made out from the fact verification report conducted on a source information on verifiable facts of anonymous complaint and detail investigation has to be done on the prima-facie case established, then this format should be used for detailed investigation.]*

#### **1.0 REFERENCE:**

- 1.1 This should specify the source of Complaint / Name & Designation of the complainant.
- 1.2 Mention on whose order the Investigation is taken up. (SBU/Unit, Vigilance Committee, Corporate Vigilance, direction of higher authority).

#### **2.0 ALLEGATION:**

- 2.1 This should specify in brief the allegation contained in the Complaint.
- 2.2 Specify against whom allegation is?
- 2.3 The allegations are to be serially numbered.

#### **3.0 ADHERENCE TO SCHEDULE:**

State date of receipt of complaint for investigation and Date of sending the Investigation Report (3 months maximum).

- 3.1 Whether Allegation Substantiated:  
State whether allegations are substantiated partly / fully by the Investigation.

#### **4.0 INVESTIGATION:**

- 4.1 Examination and mention of the :
  - 4.1.1 Rules
  - 4.1.2 Procedures (Purchase/Sub contract/Works Contract)
  - 4.1.3 Guidelines /Directions relevant to the event/transactions (Enclose extract of relevant provisions)

- 4.2 Examination of Documents:  
Examination of documents concerning allegations / transactions. Facts emerging from the examination.

*(Take original records/files and / or authenticated copies in custody)*

- 4.3 Violations of Procedures/Rules/Directions:  
From examination of documents, what are violations vis-à-vis the rules /procedures prescribed in BEL, by different persons? If financial loss caused, then estimation of the correct financial loss caused to the company by each individual and / or gain caused to an individual / vendors / parties.

- 4.4 Statements of persons involved:
  - 4.4.1 Statement of witnesses who corroborate & support charges.
  - 4.4.2 Interrogation / Written statement of the concerned delinquent Executives/ Employees regarding the violations whether with or without financial loss to the Company.

*(If oral statements taken, then signature of person making the statement to be taken. Also Investigating Officer should sign after writing "statement recorded by me")*

## **5.0 ASSESSMENT OF EVIDENCE:**

After investigation, the documentary /oral evidence should be assessed on the facts, which have emerged from examination of documents & explanations of the concerned parties to arrive at conclusion as to what is proved against whom, allegation wise. Assessment of evidence will focus on the following points:

- 5.1 The allegations taken up.
- 5.2 The allegations prime facie "Not Substantiated" or "Substantiated", including the financial loss / gain.
- 5.3 State the evidences leading to the proof of the allegation (both oral and documentary).
- 5.4 Suspected Officer's / Employees version of the case.
- 5.5 Discussion of both versions.
- 5.6 Conclusion of the Investigation Officer on each of the allegations whether proved or not proved.

## **6.0 CONCLUSION:**

- 6.1 If allegations are proved then, points, which are proved against each delinquent official / employee, enumerated serially. Mention also the relevant misconduct as mentioned in BEL CDA Rules. Also mention financial loss to the company or gain to individual or vendor.
- 6.2 If allegations not proved, mention accordingly.

## **7.0 RECOMMENDATION:**

Recommendation proposed against each delinquent official / employee whether minor penalty / major penalty / criminal prosecution etc.

## **8.0 ANNEXURES:**

- 8.1 Copies of relevant documents.
- 8.2 Extracts of relevant guidelines and procedures.
- 8.3 Copies of written statements/interrogation.
- 8.4 Articles of charge proved.
- 8.5 Imputations of misconduct.
- 8.6 List of oral and documentary evidence to prove against delinquent official /employee allegation wise.

**NOTE:** The Language of the report should satisfy four basic requirements,

- a) Brevity
- b) Clarity
- c) Accuracy
- d) Readability

**Annexure V:**

Register for Disciplinary Proceedings is to be maintained in the following format:

| <b>Sl. No.</b> | <b>Name of the party / executive charged</b> | <b>Gist of charges</b> | <b>Whether major or minor penalty</b> | <b>minor penalty<br/>Date of decision of minor / major penalty proceedings</b> | <b>Date of issue of Charge sheet</b> | <b>Date of party's reply</b> | <b>Date of appointment of inquiring officer</b> | <b>Name of the Enquiry Officer</b> | <b>Name of the Presenting Officer</b> | <b>Date of submission of Inquiry Report</b> | <b>Date of final order of DA</b> | <b>Punishment Awarded</b> |
|----------------|--|------------------------|---------------------------------------|--|--------------------------------------|------------------------------|---|------------------------------------|---------------------------------------|---|----------------------------------|---------------------------|
| <b>1</b>       | <b>2</b>                                     | <b>3</b>               | <b>4</b>                              | <b>5</b>   | <b>6</b>                             | <b>7</b>                     | <b>8</b>  | <b>9</b>                           | <b>10</b>                             | <b>11</b>                                   | <b>12</b>                        | <b>13</b>                 |
|                |  |                        |                                       |  |                                      |                              |   |                                    |                                       |   |                                  |                           |
|                |  |                        |                                       |  |                                      |                              |   |                                    |                                       |   |                                  |                           |