

RailTel Corporation of India Limited

Complaint Handling Policy

1. Introduction: -

- A) RailTel Corporation of India Ltd. (RailTel) strongly believes in the principles of Corporate Governance and fair practices in its business. Vigilance administration is a fundamental and vital function of the management. RailTel Vigilance Department has been set up with an objective to maintain ethical standards in the organization by improving transparency, systems and procedures. The RailTel Vigilance consistently works towards developing an ecosystem for employees to work with devotion and integrity in a transparent and impartial manner ensuring better services to all the external stakeholders of the organization.
- B) CVC circular No.15/7/09 dated 01.07.2009 instructs all Organizations to devise complaint handling policy to have uniform practices and procedures in the handling and processing of complaints in organizations.
- C) As mandated by Central Vigilance Commission, RailTel Vigilance will enquire or cause any inquiry into the complaints against employees of the Corporation wherein allegations of Corruption are involved.
- D) RailTel has zero tolerance approach towards any form of corruption.
- E) The Complaint Handling Policy is designed to provide guidance on the manner in which RailTel receives and handles complaints against its employees.
- F) The objective of the Policy is to assist the Management in 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.

2. Scope of Policy:

This Policy will be applicable within the organization of RailTel and its Subsidiary.

3. Philosophy of complaint handling: -

- The Complaint Handling Policy is available on RailTel 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 RailTel.
- Information regarding personal identity etc. of complainants shall not be disclosed, if so desired by the complainant.
- The RailTel Vigilance will ensure that the complaints are addressed in transparent and fair manner within the specified/reasonable time frame.
- Based on the feedback received, the RailTel shall initiate necessary action for systemic improvements.

4. Complaint: -

A complaint is a piece of statement or information containing details about offences alleged to have been committed under the PC Act, 1988, or malpractice/ misconducts under Conduct Rules.

5. Sources of complaints: -

Information about corruption, malpractice or misconduct on the part of RailTel employees may flow from various sources such as:

- a) Central Vigilance Commission.
- b) Ministry of Railways.
- c) CBI and other police authorities when they do not intend to

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investigate the complaint.

- d) Employees of the organization or from the public.
- e) Departmental inspection reports and stock verification surveys
- f) Scrutiny of annual property statements
- g) Scrutiny of transactions reported under the Conduct Rules
- h) 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.
- i) Audit reports.
- j) Reports of Parliamentary Committees
- k) Proceedings of the Houses of Parliament
- l) Complaints and allegations appearing in the press, etc.
- m) Source information, if received verbally from an identifiable source, to be reduced in writing.
- n) MPs/MLAs/Elected representatives, social and other organizations.
- o) Intelligence gathered by RailTel Vigilance.

6. Lodging a complaint: -

The complaint can be lodged directly on the RailTel website. Complaint can also be lodged by addressing the written communication/letter directly to the Chief Vigilance Officer, RailTel Corporation of India Limited, Plate-A, 6th Floor, Office Block Tower-2, East Kidwai Nagar, New Delhi-110023. Complaints sent through written communication/letters should contain complete postal address (Mobile No./Telephone No. if any) of the sender with specific details/information of the matter.

7. Information required while making a complaint: -

RailTel Vigilance deals mainly with matters related to corruption and / or where there is a vigilance angle. Only those complaints with sender's complete postal address (Mobile No./Telephone No. if any) 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.

8. Anonymous & Pseudonymous complaints: -

- Pseudonymous complaints: 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 number mentioned in the complaint, the complaint is either disowned or there is no response within a reasonable time.
- Anonymous Complaints: These are complaints where the complainant has not revealed, verifiable or traceable or contactable identity while making the complaint.

Note- No action would be taken on anonymous / pseudonymous complaints and such complaints will be filed.

9. Action on complaints: -

A) Action/Handling on Complaints shall be regulated by instruction/guidelines issued by CVC or DoPT from time to time as well as the provisions of CVC Manual. As the RailTel Vigilance deals only with matters of corruption, redressal of Grievances should not be the focus of complaints. If such complaints are received, they may be referred to existing grievance redressal mechanism or concerned department of RailTel for resolution.

B) Verification of Genuineness of complaints: -

- a) Every complaint is required to be verified for genuineness. This may be done by addressing the complainant through a registered letter, asking him to confirm, within the timeframe mentioned in this policy, that he has made the complaint.
- b) Where a complaint, received from a dignitary, has been forwarded to RailTel with a positive endorsement by Ministry of Railways, asking for a report, the investigations may be undertaken without verification of genuineness of the complaint.
- c) The verification of genuineness will not be done in cases of complaints forwarded by the CVC for investigation.

C) Anonymous / Pseudonymous complaints: - No action would be taken



on anonymous / pseudonymous complaints and such complaints should be filed.

- D) In the first instance, the decision with regard to the existence of a vigilance angle in a case may be taken by the CVO. CVO may take cognizance of complaints having vigilance angle and verifiable facts for detailed investigation. A complaint will 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 will be presumed that the complaint is pseudonymous and will accordingly be filed and action will not be taken on the complaint.
- E) After registering the information as a complaint in the Vigilance Complaint Register (physical or electronic form), CVO would then process the matter further to decide as to whether the allegations are general or vague and deserve to be filed or the matter requires further investigation. In the latter case, CVO would also have to decide as to whether the investigation into the allegations should be entrusted to the CBI or local police or taken up internally.
- F) For genuine signed complaint, if Vigilance angle is found then Investigation into a complaint is undertaken.
- G) Information gathered from reports, returns, newspapers etc. is included under 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 similarly. Receipt of information about corruption, malpractice or misconduct, from whatever source, would be treated as complaint.
- H) Complaints received from Central Vigilance Commission or CVO of Ministry of Railways: -
- (i) Complaints received for investigation from the Central Vigilance Commission or CVO of Ministry of Railways for investigation and report, will be investigated and report will be submitted to them.
 - (ii) Complaints referred to CVO by Central Vigilance Commission or CVO of Ministry of Railways for necessary action will be referred back to the Central Vigilance Commission/Ministry of Railways, if they have been investigated and a vigilance angle has come to notice against an officer falling under the jurisdiction of the Commission/Ministry. Otherwise such complaints require no further reference to the Commission/Ministry and are to be disposed of by CVO after taking necessary action.

- (iii) All the complaints made under PIDPI Resolution which have been forwarded to the CVO for necessary action will be referred back to the Commission, irrespective of Commission's normal jurisdiction, for advice if they have been investigated and a vigilance angle has come to notice.
- I) Complaints containing vague or general or sweeping and Prima facie unverifiable allegations will be filed without verification of identity of complainant.
- J) If a complaint contains verifiable allegations, but the same does not have apparent Vigilance angle (e.g.- 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 department for necessary action. Only complaints having Vigilance angle shall be investigated by RailTel Vigilance.
- K) In cases when it is felt that investigation by Central Bureau of Investigation/State Police is necessary, the CVO will take the decision with approval of CMD.
- L) Complaints against Board Level Officials: -
- a) Where complaints against Boards Level Officials are received, the same shall be forwarded to the CVO of the Ministry of Railways. 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.
- b) 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.

10. Action against persons making false complaints: -

- A) If a complaint against a public servant is found to be malicious, vexatious or unfounded, it will be considered seriously whether action should be taken against the complainant for making a false complaint.
- B) 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.*

- C) 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) 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.

11. 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 organization. It is to be noted that once a complainant confirms the complaint and action has been initiated for inquiry/ investigation by the organization, 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 complainant's request for withdrawal of the complaint.

12. Public Interest Disclosure and Protection of Informer (PIDPI) Complaints: -

- A) Department of Personnel and Training's Resolution No. 89 dated 21st April, 2004, commonly known as Public Interest Disclosure and Protection of Informers (PIDPI) Resolution, 2004, envisages a mechanism by which a complainant can blow a whistle by lodging a complaint and also seek protection against his victimization for doing so. The Central Vigilance Commission and the CVO of Ministry of Railways is the designated agency to receive complaints from whistle blowers under the PIDPI Resolution.

- B) Complaints under the "Public Interest Disclosure and Protection of Informers (PIDPI) Resolution" received directly by the CVO of RailTel, shall be forwarded to the Chief Vigilance Officer/Ministry of Railways for further necessary action, without opening the envelope. Further action will be processed by Railway Board.
- C) When such Complaint are received, it will be ensured that identity of complainant is not disclosed and he is protected from any harassment.

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