

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:5381

ANSWERED ON:09.05.2012

ANONYMOUS COMPLAINTS

Alagiri Shri S. ;Sinh Dr. Sanjay

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) whether office memorandum in respect of anonymous and pseudonymous complaints has been revised by the Government;
- (b) if so, the details thereof alongwith the changed features thereof;
- (c) if not, the manner by which the Government is likely to presume that the case of corruption would be intimated by the people; and
- (d) the reaction of the Government in this regard?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.
(SHRI V. NARAYANASAMY)

(a) & (b): The Central Government vide O.M. dated 29th September, 1992, had issued instructions dealing with anonymous and pseudonymous complaints. The said O.M. inter-alia lays down that generally no action is warranted on anonymous/pseudonymous complaints against Government servants and they are to be filed and that selective cognizance of anonymous/ pseudonymous complaints, containing verifiable allegations can be taken with specific orders from the Head of the Ministry/ Department/Chief Executive. The above O.M. has not been revised so far.

Further, the Central Vigilance Commission, vide its circular No. 3

(v)/99/2 dated 29th June, 1999, ordered that no action should at all be taken on any anonymous or pseudonymous complaints and they must just be filed. These orders were reiterated by the Commission vide its circular No. 98/DSP /9 dated 31st January, 2002. In its subsequent circular No. 98/DSP/9 dated 11th October, 2002, while reiterating the earlier instructions, the Commission has further directed that if any department/ organization proposes to look into any verifiable facts alleged in such complaints, it may refer the matter to the Commission seeking its concurrence through the CVO or head of the organization, irrespective of the level of employees involved therein.

(c)&(d): The Central Government recognizes that one of the impediments felt in eliminating corruption in the Government and the public sector undertakings is lack of adequate protection to the complainants reporting the corruption. The Central Government had issued a Resolution dated 21st April, 2004 authorizing the Central Vigilance Commission as the designated agency to receive written complaints from whistle blowers. The said Resolution also, inter alia, provides for the protection to the whistle blowers from harassment, and keeping the identity of whistle blowers concealed.

It was felt that the persons who report the corruption need statutory protection. Accordingly, the Public Interest Disclosure and Protection to Persons making the Disclosures Bill, 2010 was introduced in Parliament. The said Bill was passed by the Lok Sabha on 27th December, 2011 as the whistle blowers Protection Bill, 2011 and is at present pending in the Rajya Sabha. This Bill, while providing adequate protection to the persons reporting corruption or willful misuse of power or willful misuse of discretion which cause demonstrable loss to the Government, also provides for a regular mechanism to encourage such persons making disclosure on corruption. There are stringent punishments for revealing the identity of complainants. There are adequate provisions in the Bill to ensure that no person or a public servant who has made a disclosure is victimized by initiation of any proceedings or otherwise. Such persons can file an application before the Competent Authority who may give suitable directions to the public servant or public authority which shall be binding.