

**COMPLAINT HANDLING POLICY
OF
NEW MANGALORE PORT TRUST
(NMPT)**

- 1.0 New Mangalore Port Trust (NMPT) is a fast growing port in the west coast of India. It is an ISO 9001:2008 & 14001:2004 certified port. NMPT believes in integrity and transparency in all spheres of activities covering recruitment, promotions, marketing, finances and public procurement processes and has zero tolerance towards any form of corruption.
- 1.1 The complaint handling policy is designed to provide guidance on the manner in which NMPT receives and handles complaints against its employees, suppliers, contractors and group of persons involved in public procurement.
- 1.2 The objective of the policy is to assist the management and public in general in handling of the 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 mischievous nature.
- 1.3 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.
- 1.4 The Vigilance Department of New Mangalore Port Trust is mandated under the Vigilance Manual of CVC to enquire or cause an enquiry into complaints against officials of New Mangalore Port Trust wherein allegations of corruption are involved.

2.0 PHILOSOPHY OF COMPLAINT HANDLING:

- 2.1 The Complaint Handling Policy is available on the NMPT website.
- 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 complaint is liable for prosecution and/or disciplinary action in case he/she is a public servant/employee of NMPT.
- 2.7 Information regarding personal identity etc. of complainants shall not be disclosed, if so desired by the complainant.
- 2.8 The Chief 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 NMPT shall initiate necessary action for systemic improvements.

3.0 DEFINITION OF COMPLAINT:

- 3.1 Receipt of information about corruption, malpractice or misconduct, from whatever source, would be termed as a complaint.
- 3.2 Dictionary definition of complaint is that statement that one is aggrieved or dissatisfied; formal protest; illness.

3.3 In official parlance, complaints are communications reporting grievances of malpractices and are the starting point of punitive vigilance work.

4.0 SOURCE OF INFORMATION AND COMPLAINTS:

4.1 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 reports.
- iv) Scrutiny of Annual Property Returns (APRs).
- v) Scrutiny of transactions reported under the Conduct Regulations.
- 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 etc.
- 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.

4.2 Complaints are an important source of information about the corruption, malpractice and misconduct on the part of public servants. Information about corruption, malpractice or misconduct may flow to CVO/CVC/CBI/Police Authorities from any of the sources as given in the above Para.

4.3 Complaints can be classified as:

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

5.0 DEFINITION OF VIGILANCE ANGLE:

5.1 Vigilance angle is obvious on the following acts:

- i) Demanding and /or accepting gratification other than legal remuneration in respect of an official act or for using his/her 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/herself or for any other person any valuable thing or pecuniary benefit by corrupt or illegal means or by abusing his position as a public servant.
- iv) Possession of assets disproportionate to his/her 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 be 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 authority/superiors informed 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.
- 5.2 Commercial risk taking forms part 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.

6.0 JURISDICTION OF VIGILANCE DEPARTMENT OF NEW MANGALORE PORT TRUST (NMPT):

- 6.1 Complaint can be lodged only against employees of NMPT
- 6.2 The Vigilance Department has no jurisdiction over private individuals and other organizations of the Central/State Governments.

7.0 LODGING OF COMPLAINT:

- 7.1 Vigilance complaints pertaining to NMPT should be addressed to the Chief Vigilance Officer (CVO) at the following address: Chief Vigilance Officer, New Mangalore Port Trust, Vigilance Department, Ground Floor, Administrative Office Building, Panambur, Mangalore – 575010. Tel. No. 0824-2408264. Email: cvo@nmpt.gov.in. Complaints can be lodged by addressing the letter/e-mail directly to the Chief Vigilance Officer (CVO) giving the specific facts of the matter relating to corruption.
- 7.2 Complaints should be addressed directly to the CVO. Complaints should not be marked as a copy to the CVO/Vigilance Department.
- 7.3 The Vigilance Department deals with the complaints which are against employees falling within the jurisdiction of the Vigilance Department and mainly with matters related to corruption and/or where there is a Vigilance Angle.
- 7.4 As Vigilance Department deals with matters of corruption, redressal of grievances should not be the focus of complaints to the Vigilance Department.
- 7.5 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 Vigilance Department shall maintain a vigilance complaints register in the prescribed format in 3 Parts. Part I for category 'A' employees which include such employees against whom commission's advice is required (pre-revised pay of Rs.10,750/- and above) and Part II for category 'B' employees which include such employees against whom commission's advice is not required and Part III for non-vigilance complaints. If a complaint involves both categories of employees, it should be shown against the higher category, i.e. category 'A'.
- 8.2 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.
- 8.3 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 shall 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. shall 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 the concerned department for further action.
- 8.4 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 taken up for detailed investigation.

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.
- 9.2 **Pseudonymous complaints:** These are the complaints wherein the identity of the complainant is mentioned by virtue of name, contact details. However, when 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 are the complaints where the complainant has not revealed verifiable or traceable or contactable identity while making the complaint.
- 9.4 **Whistle Blower Complaints: [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 superscribed "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.

10.0 PROCESSING OF COMPLAINTS:

10.1 Only those complaints which are against employees falling within the jurisdiction of the Vigilance Department and contain allegations with vigilance angle will be taken cognizance of/investigated by the vigilance department.

10.2 Once a complaint is registered in the Vigilance Department of NMPT, further correspondence in the matter will not be entertained. However, Vigilance Department will ensure that the complaints are investigated and action taken to its logical conclusion.

10.3 **Checking the genuineness of the complaint:** 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.

10.4 **Non-vigilance complaints:** 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.

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

10.4.2: No action is necessary and the complaint will be simply filed in case the allegations are vague and general and are, prima facie, unverifiable.

10.4.3: Wherever the Vigilance Officer, on perusal of the complaints, 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.

10.5 **Complaints having Vigilance Angle:** 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.

10.5.1: In case there are no verifiable allegations constituting a Vigilance Angle, a proposal will be submitted for filing the complaint.

10.5.2: In case there are verifiable allegations in the complaint attracting vigilance angle, a proposal will be submitted for seeking verification/investigation.

10.5.3: On receipt of any complaint containing allegations against any tender in processing/ decision stage, the tender process need not be stopped. However, the allegations will be brought to the notice of the competent authority, including the purchase committee, tender committee, negotiation committee, etc. and the complaint will be taken up for investigation independently. It is clarified that while the Vigilance Department would get

the matter investigated, however, it would not interfere in the tendering process as such. The intention is not to stop the work in the organization.

10.5.4: 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.

10.5.5: No cognizance should be taken of any complaint which is received within six months prior to the initiation of selection process for senior posts.

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

10.6 **Whistle Blower Complaints:** Whistle Blower (PIDPI) complaints received in the Vigilance Department of NMPT shall be processed as per CVC guidelines.

11.0 ACTION ON COMPLAINTS:

11.1 **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.

11.2 **Anonymous and Pseudonymous complaints:** Anonymous and pseudonymous complaints could be misused by disgruntled elements to harass honest officials. The CVC has, therefore, prescribed that no action should be taken on anonymous/pseudonymous complaints and such complaints should be filed.

11.3 **Complaints received by E-mail:** Complaints made through e-mail should contain name and complete postal address. Complaints received through email, which do not have name or complete postal address/contactable address, will be treated as anonymous/pseudonymous and processed accordingly.

11.4 **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 out subsequently. The complaint will be disposed off by Vigilance departments/organisations themselves after necessary action.

11.5 Wherever the CVC calls for 'action and report' on a complaint, it is treated as a signed complaint though on the face of the complaint, 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.

- 11.6 Wherever, the CVC forwards a PIDPI complaint, such complaints are treated as a signed complaint and the investigation reports are submitted to the CVC within a period of one month from the receipt of reference of the CVC.
- 11.7 **Complaints under the purview of the Administrative Ministry:** 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.

References :

CVC and DOPT Circulars/Guidelines

S.No	Circular No.	Date	Subject	Remarks
1	98/DSP/9(Part-2)	07-03-2016	Action on anonymous/pseudonymous complaints	CVC Circular
2	98/DSP/09	23-01-2015	Procedure for dealing with complaints referred by CVC	CVC circular
3		15-12-2014	Complaint handling policy of CVC	CVC policy

4	98/DSP/9	25-11-2014	Action on anonymous/ pseudonymous complaints	CVC Circular
5	No. 104/76/2011- AVD.1	18-06-2014	Guidelines regarding handling of complaints in Ministries/Departments.	DoPT circular
6	No. 104/76/2011- AVD.1	18-10-2013	Guidelines regarding handling of complaints in Ministries/Departments.	DoPT circular
7	009/VGL/035	01-07-2009	Access of complaints to the CVOs – instructions on complaint handling policy	CVC Circular
8	004/VGL/26	12-05-2009	Govt. of India Resolution on Public Interest Disclosures &Protection of Informer (PIDPI)- Delay in submission of investigation report on PIDPI complaints.	CVC Circular
9	004/VGL/26	27-02-2009	Govt. of India Resolution on Public Interest Disclosures &Protection of Informer.	CVC Circular
10	006/VGL/ 065	06-07-2006	Vigilance Administration – Role of CVO	CVC Circular
11	004/VGL/18	21-12-2005	Vigilance angle-definition of (partial modification regarding)	CVC Circular
12	004/VGL/20	29-04-2005	Complaints forwarded by the Administrative Ministries/Departments	CVC Circular
13		12-01-2005	Vigilance manual Volume 1 2005 edition (Chapter I to VI)	CVC manual
14	004/VGL/62	31-08-2004	Time limit for investigation for complaints	CVC Circular
15	004/VGL/26	17-05-2004	Govt. of India Resolution on Public Interest Disclosures &Protection of Informer- designated agency	CVC Circular
16		21-04-2004	DOPT notification of PIDPI resolution 2004	DoPT notification
17	004/VGL/18	13-04-2004	Vigilance angle – definition of	CVC Circular
18	002/VGL/61	01-04-2004	Disposal of complaints	CVC Circular
19	3(v)/99/1	21-06-1999	Improving vigilance Administration- Bringing in accountability (acknowledging complaint)	CVC circular