

सोलर एनर्जी कॉर्पोरेशन ऑफ इंडिया लिमिटेड

(भारत सरकार का उद्यम)

SOLAR ENERGY CORPORATION OF INDIA LIMITED

(A GOVT. OF INDIA ENTERPRISE)



Complaint Handling Policy

VIGILANCE DEPARTMENT

छठा तल, प्लेट-बी, एनबीसीसी कार्यालय ब्लॉक टॉवर-2,
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1.0 Introduction:-

- 1.1 Solar Energy Corporation of India Limited endeavors to work against corruption in all its forms, including demanding and accepting bribes, illegal gratification or unjust rewards. The Company has zero tolerance approach towards any form of corruption. SECI believes in the highest level of personal and institutional integrity.
- 1.2 The Complaint Handling Policy is designed to provide guidance on the manner in which SECI 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) may cause an enquiry into any complaint concerning the functions/activities of any of the projects 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 Complaint Handling Mechanism:-
 - The Complaint Handling Policy is available on SECI 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.
 - The complaint should not be anonymous or pseudonymous.
 - Complaints lodged should be genuine and not malicious, vexatious or frivolous and should be based on verifiable facts.
 - Complaint should be specific with relevant details like NIT no. and date etc.

- All types of complaints, even if printed or photocopied, should be clearly legible.
- Complaints sent through written communication/letter should contain name and personal details, complete postal address (mobile/telephone number, if any) of the sender with specific details/information of the matter. Complaint should be signed by the Complainant. Correct details as above and valid supporting documents are mandatory for processing the complaint.
- A complaint should preferably be lodged in typed or written form in English or Hindi language for facilitating early action thereon.
- No correspondence shall be entertained on the subject after lodging the complaint.
- In case it is found that complaint was false and harassment of officials has been caused, action as deemed fit may be taken against the complainant, in case he/she is a public servant / employee of SECI.
- Information regarding personal identity etc. of complainants shall not be disclosed, if so desired by the complainant.
- Vigilance / SECI will ensure that the complaints are addressed in transparent and fair manner within the specified/reasonable time frame.
- The complaint having vigilance angle shall only be examined. The vigilance angle comprises of misuse of official position, demand and acceptance of illegal gratification, cases of misappropriation / forgery or cheating, gross and wilful negligence, blatant violation of laid down systems and procedures, reckless exercise of discretion, delay in processing the cases, etc.
- Based on the feedback received, the Company shall initiate necessary action for systemic improvements.

(Chapter-II of CVC Comprehensive Guidelines on Complaint Handling Mechanism 2021).

2.0 Complaint:-

Receipt of information about corruption, malpractice or misconduct, from whatever source, would be termed as a 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 governing specified categories of public servants.

(Chapter-III of CVC Vigilance Manual 2021).

3.0 Lodging a complaint:-

Provision has been made to receive the complaints related to vigilance matter through SECI website. This is to bring the transparency in the system and expediting the processes. The complaint can also be raised by addressing the letter of complaint along with supportive documents to CVO, SECI. The details of the CVO, SECI's office are as follows:

Address: Office of Chief Vigilance Officer,
1st Floor, Plate-B, NBCC Office Block Tower-4,

4.0 Sources of complaints:-

Information about fraud, corruption, malpractice or misconduct on the part of SECI employees, suppliers/contractors etc. may be received in the form of a complaint from any of the following or other sources: -

- (i) Directly from employees of the SECI or from the public,
- (ii) Intelligence gathered by agencies like CBI, ACB, Lokayuktas, etc.,
- (iii) From Management,
- (iv) From the complaints and allegations appearing in the print and electronic media.
- (v) From scrutiny of annual property returns.
- (vi) Vigilance surveillance checks,
- (vii) Audit Reports(internal, statutory or by Comptroller & Auditor General),
- (viii) Reports of Parliamentary Committees like the Estimate Committee, Public Accounts Committee and the Committee on Public Undertakings.
- (ix) Through source information, etc.

(Clause 3.1 of Chapter-III of CVC Vigilance Manual 2021)

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: 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: 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: These are complaints where the complainant has not revealed, verifiable or traceable or contactable identity while making the complaint.
- Source information: Source information received 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:

Central Vigilance Commission has been authorized as the “Designated Agency” to receive complaints from “whistle-blowers” and act on them, on merit. The CVOs of “Ministries/ Departments” of Government of India have also been authorized as the “Designated Authorities” for receiving and acting on complaints from whistle-blowers. 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.

(GOI PIDPI Resolution 21/04/2004, CVC Office Order No. 33/5/04 dated 17th May’ 2004, DOPT order No. 371/04/2013-AVD-III Dated 16th June’ 2014, CVC Office Order No. 004/VGL/026/5396510 dated 28th Sept’ 2018 and D/o of Post Instruction dated 03/03/2021 & 26/11/2021)

Whistle Blower (PIDPI) complaints received in the office of CVO, SECI 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 / 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 / organization 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 3.10.1 & 3.10.2 of Chapter-III of CVC Vigilance Manual 2021, Clause 5.6 of Chapter-V of CVC Complaint handling mechanism).

7.3 Source information

Whenever a report on a complaint is sought from Commission, the complaint shall be treated as signed complaint and processed as mentioned in the policy.

(CVC office order no. 53/09/03 dated 23rd September, 2003)

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 (NA)**’, to redress the grievances of the complainant. Complaints referred to CVOs for necessary action must be referred back to the Commission for advice, if they have been investigated and a vigilance angle has come to notice against an officer falling under the jurisdiction of the Commission. The action taken report on these complaints is otherwise not required to be sent to the CVC for further advice.

The complaint is to be disposed-off by the departments / organizations themselves after necessary action. The CVO should update the status of complaints sent for necessary action on the Commission’s Complaint Portal.

(Clause 3.4.3 of CVC manual 2021, CVC office order no. 16/03/04 dated 1st April, 2004 and 004/VGL/020(Pt.) dated 13.08.2020)

- 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**’ (I&R) 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.

(Clause 3.4.2 of CVC manual 2021, CVC office order no. 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 complaint are not required to be verified for genuineness by the CVO as the process of verification / confirmation is completed in the Commission prior to referring it for investigation or further necessary action. Such complaints are treated as a registered and 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.

(Clause 3.5.4(b) of CVC manual 2021, CVC office order no. 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).

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 New and Renewable Energy. 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.

- 9.2 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.

(Clause 3.7 of CVC Vigilance manual 2021, CVC Office Order No. 25/4/05 dated 29th April, 2005 and 5/7/06 dated 6th July, 2006).

10.0 Processing of complaints:-

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 3.10.5 of Chapter-III of CVC Vigilance Manual 2021, CVC circular no. 3(v)/99/1 dated 21st June, 1999).

10.2 All complaints received at Corporate Vigilance Office shall be entered in a register maintained, for the purpose. Vigilance Section will maintain a vigilance complaints register, in two separate parts for category 'A' and category 'B' employees. Category 'A' includes such employees against whom Commission's advice is required whereas category 'B' includes such employees against whom Commission's advice is not required. If a complaint involves both categories of employees, it should be shown against the higher category, i.e., Category 'A'.

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.

In case complaint(s) are received wherein the complainant indicates that the identity should not be revealed, such complaints along with the original cover, should be forwarded directly to CVO, for further advice, by super scribing 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.

(Clause 3.5.1 of Chapter-III of CVC Vigilance Manual, 2021).

10.3 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 official's 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/she has or likely to have official dealings or his/her subordinates have official dealings or where he/she 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/her 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 positive response to this question may indicate the existence of bona-fides. A negative reply, on the other hand, might indicate their absence.

(Clause 1.4.1 of Chapter I of CVC Vigilance Manual 2021, CVC Office Order No.23/04/04 dated 13th April, 2004 and 74/12/05 dated 21st December' 2005).

10.4 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 3.5.1 of Chapter-III of CVC Vigilance Manual' 2021)

- (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 3.5.3 of Chapter-III of CVC Vigilance Manual, 2021)

- (c) 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.

(Clause 3.10.1 of Chapter-III of CVC Vigilance Manual, 2021)

- (d) Wherever on perusal of the complaints referred at 10.5 (a to c) above, the complaint is identified 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.

10.5 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
- (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.

- (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, Vigilance section shall analyze 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 3.6 & 3.7 of Chapter-III of CVC Vigilance Manual, 2021, CVC office order no. 25/7/06 dated 6th July, 2006, CVC office Order No. 57/8/04 dated 31st August, 2004).

11.0 Time frame for verification:-

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

As and when advised by CVO for verification of the complaint, the Vigilance officer seek a verification report within a month.

In cases where more time is sought by Vigilance officer to complete the verification, the same will be accorded subject to 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:-

Vigilance officer analyzing the findings of the verification report 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 Section/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.

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 3.5.1, 3.5.2 & 3.10.1 of Chapter-III of CVC Vigilance Manual, 2021 and CVC's Office Order No. 25/7/06 dated 6th July, 2006).

- (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 5.3 of Chapter-V of CVC Vigilance Manual, 2021)

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

14.0 Model time limits for Investigation:-

The time frame for making decision as to whether the complaint involves a vigilance angle is one month from receipt of complaint. The time frame for arriving at logical conclusion i.e. decision on complaint, whether to be filed or to be entrusted to CBI or to be taken up for investigation by departmental agency or to be sent to the concerned administrative authority for necessary action is three month from receipt of complaint.

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

As and when advised by CVO for an investigation, the Vigilance officer are required to complete the investigation and submit the report 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 officer needs more time to complete the investigation, an interim Note should be put up to CVO mentioning the reasons for the delay and the probable date for submission of the investigation report.

(Clause 7.47.2 of Chapter-IV of CVC Vigilance Manual 2021, CVC Office Order no. 021-AIS-1(2) dated 19.04.2021 and 000/VGL/18 dated 23.05.2000).

15.0 Time limits for finalization of Departmental Inquiry Proceedings:

- a) Issue of Charge Sheet to the stage of appointment of IO and PO is two months from the date of issue of First Stage Advice of the Commission.
- b) Conducting departmental inquiry and submission of report by the inquiry officer (I.O) is six months from the date of appointment of inquiry Officer.
- c) Overall additional one more month may be taken for all / any of the above stages of disciplinary proceedings due to some unavoidable /unforeseen circumstances.
- d) Timely completion of Departmental inquiry / Departmental proceedings is the prime responsibility of the Disciplinary Authority.

(Clause 7.47.2 A, 7.47.3 of Chapter-IV of CVC Vigilance Manual 2021, CVC Office Order no. 18/12/20 dated 14.12.2020 and 000/VGL/18 dated 23.05.2000).

The Chief Vigilance Officers shall pursue for implementation of the CVC's first and second stage advice within a month of the receipt of Commission's advice with the concerned Disciplinary Authority to get the orders issued on such matters.

(Clause 7.47.6 of Chapter-IV of CVC Vigilance Manual 2021, CVC Circular No.002/VGL/49 dated 19.09.2002)

16.0 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.

17.0 Action on Investigation Report:-

17.1 After analyzing the findings of the investigation report, the Vigilance officer 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.

17.2 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 be 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 7.9, 7.10 and 7.12 of Chapter-VII of CVC Vigilance Manual 2021, 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 and 21/08/09 dated 6th August, 2009).

Further action shall be taken based on the advice of CVO/CVC, as the case may be.

18.0 Action against persons making false complaints:-

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

Section 182 IPC provides for prosecution of a person making a false complaint. Section 182 IPC 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:

- 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) I.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 3.12 of Chapter-III of CVC Vigilance Manual 2021)