



INCOME TAX GAZETTED OFFICERS' ASSOCIATION

WB UNIT

Aayakar Bhavan, 6th Floor, Room No. 28, P - 7, Chowringhee Square, Kolkata - 700 069

President : Mrinal Kanti Chanda

General Secretary : Bhaskar Bhattacharya

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Dated: 18-01-2013

To,

The Chief Commissioner of Income Tax,

Kolkata- I,

Kolkata

Sir,

Sub: Vigilance Administration – Action on Anonymous/pseudonymous petitions or complaints

We would like to draw your kind attention to the manner of handling anonymous/pseudonymous complaint petitions in certain charges of this region.

ii. It appears that there is some confusion among certain senior officers in the matter of procedure to be followed in this regard, though the same has been laid down in clear and unambiguous terms by the Central Vigilance Commission. More often than not, verification and preliminary investigations are being conducted on the basis of such petitions in some of the charges in this region. This, in turn, is leading to the spread of a fear psychosis in the minds of officers working in the various field formations. In this context we request you to kindly draw the attention of all CCsIT/CsIT/DsIT to the CVC guidelines once again, so that such matters are dealt with in an uniform manner consistent with the prescribed guidelines.

iii. In the interest of administrative convenience and ready reference, the genesis of the instructions is recapitulated below:

1. Right from the time of setting up of the commission, it had been noted by the CVC that there is widespread use of anonymous/pseudonymous petitions to blackmail Govt. officers. In the context of the above, the CVC had referred to the existing directions of the DoPT which laid down that **"no action was to be taken in case of**

such petitions; and should be ignored and only filed". [DoPT's letter no.321/4/91-AVD.III dt. 29.09.1992]

2. However, there had been a provision in the said instructions that where such petitions contained verifiable facts, they could be enquired into. The CVC noted that this exception had '**become a convenient loophole for blackmailing**'. In view of this, CVC directed that **"no action should at all be taken on any anonymous or pseudonymous complaints. They must just be filed."** [CVC's direction in F.No.3(v)/99/2 dated 29.06.1999]

3. Yet, the CVC found that despite the instructions cited above, certain departments had been taking cognizance/action on such anonymous/pseudonymous petitions. Therefore, it categorically laid down that **"under no circumstances should any investigation be commenced or action initiated on anonymous/pseudonymous complaints; they should invariably be filed. Any violation of this instruction will be viewed seriously by the commission"**[CVC's direction in F.No.98/DSP/9 dt 31.01.2002]

4. Furthermore, the CVC also stipulated that **"if any department/organisation proposes to look into any verifiable facts alleged in the complaints, it may refer the matter to the commission seeking its concurrence through the CVO or the head of organisation..."** [CVC's direction in F.No.98/DSP/9 dt 11.10.2002].

Related instructions in respect of delegation of powers in respect of vigilance proceedings have been issued by the Department of Revenue & the CBDT, wherein it was clarified that, in respect of Group A Officers upto the level of CIT, **the decision for making such references seeking the concurrence of the CVC would only lie with the Chairman, CBDT,** & for others, it would lie only with the CVO. [Department's office order no.205 Of 2005 in F.No.50/10/2005-Ad-I dated 19.07.2005, read with CBDT's letter in FTS-7853/2011/Ch(DT) dated 20.01.2011.]

iv. From the above, the following principles and action points may be seen to emerge :

1. In general, no investigation is to be initiated in case of any anonymous/pseudonymous complaint petition by any authority in the department.
2. Any petition bearing a name but no verifiable address should be classified as a pseudonymous complaint, and treated as above.
3. In respect of any petition bearing name and verifiable address of the complainant, the existence of such a person/address must be made to ensure that it is not a pseudonymous petition in disguise.
4. In the rare cases where it is felt that there are certain verifiable facts worth investigation in the complaint, concurrence of the CVC must be obtained through the prescribed procedure before conducting any verification as such.

v. However, it must be reiterated that the provision of obtaining concurrence of the CVC prior to investigation was introduced to plug a loophole. Therefore, care must be taken that this is itself not turned into a loophole. That is, **no investigation must be made on the pretext of obtaining material for a reference to be made to the CVC.**

vi. Further yet, we also request you to ensure that in every case where any verification/investigation was initiated by any authority without obtaining the prior concurrence of the CVC, such investigation is to be stopped immediately and its findings ignored, and due action be taken against the authority who has thus subverted the CVC's instructions.

vii. We would like to add that, as a responsible organisation of Officers of this department we hold Vigilance to be an integral and indispensable part of the management. We have always held the view that effective preventive vigilance would go a long way in ridding the department of the crippling evils of corruption without being obtrusive, and without resorting to any retrospective witch-hunt. In line with this goal, we request your august office to ensure that a comprehensive, consistent and bias-free approach be implemented throughout the region in respect of handling of complaints. We would also beseech you to kindly ensure that vigilance functions be performed with sensitivity and with reference to the work conditions, availability of resources and infrastructure. This would help promote probity in such matters and help the officers of the department achieve the department's desired results.

Hoping for your kind intervention and necessary action.

Yours faithfully,

Sd/-

(Bhaskar Bhattacharya)

General Secretary.