

CHAPTER 8

COMPLAINTS AND SOURCE INFORMATION

COMPLAINTS

8.1 The CBI may receive complaints dealing with various issues/ matters from different quarters including the general public. Every complaint, from whatever source received, will be entered in the Complaint sub-module of CRIMES Module or in the temporary Complaint Register maintained in the Branch Offices. Each complaint received, whether directly or from any other Branch or Head Office, will be assigned a temporary number as stipulated from time to time. If the complaint pertains to jurisdiction of any other Branch it should be forwarded to the concerned Branch without any delay. No verification of any complaint shall be initiated except after it has been assigned a regular complaint number with the approval of the Competent Authority as detailed in the paragraphs below. All complaints will be treated as "confidential" at all stages

Processing of Complaints

8.2 Superintendents of Police (including those working in the Special Units), are required to have a preliminary look at each complaint and decide whether it falls within the purview of CBI and would merit its attention. In case the complaint pertains to a subject outside the purview of CBI or the allegations contained therein are too trivial or vague it should be forwarded at the earliest to the department concerned with an endorsement that no enquiry has been made by CBI. The disposal would be noted in the records maintained for this purpose

8.3 All other complaints would be analysed with a view to see whether a criminal offence can be made out requiring any action by CBI. In case, the analysis reveals that the complaint deals with a substantial issue which falls within the ambit of CBI and needs further verification, the permission of the Competent Authority will be obtained to verify the same. The Competent Authority is one who could order registration of a Regular Case for the particular rank of officer against whom the complaint has been made. In case, the level of the public servant against whom the allegations have been made is not known, the SP of the Branch may initiate verification at his own level but during the course of secret verification if involvement of any senior officer figures, for which permission was not taken earlier, necessary orders of the Competent Authority should be obtained to conduct verification against the suspect officer.

8.4 After such approval, the complaint would be assigned a regular complaint number as provided in the Complaint sub-module of CRIMES Module or by entering the same in the register maintained for the purpose. Wherever records are maintained manually, necessary corresponding entry will be made in the temporary complaint register also.

8.5 In order to ensure uniformity in dealing with complaints, the following broad guidelines should be kept in view. Ordinarily, no verification of complaint of the following nature should be taken up except for special reasons:-

- (i) *Complaints which are anonymous and pseudonymous.*
- (ii) *Complaints containing vague and unverifiable allegations.*
- (iii) *Where the allegations relate to service matters, which can be better looked into the departmental authorities.*
- (iv) *Complaints of petty nature not involving specific allegations of bribery or corruption which can be better dealt with by the Vigilance Wing of the department or local Police*
- (v) *Complaints not otherwise falling within the purview of CBI.*

- (vi) *Complaints which have already been looked in to or are being looked into by the department or its Vigilance Wing and the allegations prima facie do not reveal that these would require an open investigation by CBI.*
- (vii) *Complaints pertaining to matters/incidents, which have occurred in the distant past.*
- (viii) *Complaints involving only State Government servants or private individuals and which are of no interest to CBI.*

Complaints in which Verification should be taken up

8.6 The following categories of complaints may be considered fit for verification:-

- (i) *Complaints pertaining to the subject-matters which fall within the purview of CBI either received from official channels or from well-established and recognized public organizations or from individuals who are known and who can be traced and examined.*
- (ii) *Complaints containing specific and definite allegations involving corruption or serious misconduct against public servants etc., falling within the ambit of CBI, which can be verified.*

8.7 If any complaint against a Minister or former Minister of the Union Government, or the Union Territory is received in any Branch, it should be put up to the Director, CBI, for appropriate orders. The relevant file of the Branch should remain in the personal custody of SP concerned. In case the complaints are received against members of lower judiciary these may be forwarded to the Registrar of the High Court concerned and the complaints received against members of higher judiciary may be forwarded to Registrar General of Supreme Court through the Joint Director (Policy).

Process of Verification

8.8 The complaints registered for verification, with the approval of the Competent Authority, would only be subject to secret verification. The SsP and the verification officers should ensure that the departmental records are examined discreetly, so that secrecy of the verification is maintained. It is advisable to consult the records informally, by contacting the concerned CVO/ Head of the Department. During verification of a complaint, written requisitions should be avoided. In case, it is absolutely necessary to do so, the requisition must go to the concerned Vigilance Officer under the signature of the SP.

8.9 Secret verification should be completed within three months of the receipt of the complaint. In complicated matters, a time of four months may be taken with prior permission of the DIG concerned. To ensure proper monitoring, the DIsG should review all pending Complaints every month and send a report to the Head Office with their comments on the complaints pending verification for more than three months.

Action on Complaints received from Head Office

8.10 Complaints received by a DIG, JD, ADCBI, SDCBI or the Director and marked by them to subordinate officers will be assigned temporary number immediately on their receipt and entered in the Complaint sub-module. These will be disposed of at the appropriate level in accordance with the instructions mentioned in the paragraphs above. Specific orders of the Competent Authority must be obtained for undertaking verification of the complaints received from the Head Office. Where, a senior officer desires a report on the action taken, he will specifically indicate it in his endorsement and the same should be complied with accordingly by the subordinate officers.

Complaints received from CVC

8.11 Whenever any complaint is received from the Central Vigilance Commission for enquiry under section 8 of the CVC Act, it should be examined on priority. In case the CVC has already made a preliminary study of the complaint and has asked CBI to investigate, there is ordinarily no need to re-verify the complaint. Preliminary verification should be limited to the instances which are worth verification and where special circumstances exist. In such cases, the permission of the Competent Authority should be taken at the earliest and in no case, later than seven days after

receipt of the complaint by the Branch SsP. The relevant facts and circumstances should be reported immediately to the CVC, so that the latter can take a decision as to whether an open enquiry is to be taken up or not.

8.12 If the CVC requests CBI merely for a report on the complaint, a preliminary report, without any detailed verification, may be sent to the Commission while mentioning it specifically in the forwarding letter that no detailed verification has been made verify the allegations contained in the complaint.

Complaints received from Ministries, Central Government Departments, Public Sector Undertakings, State Government or Union Territories and Members of Parliament

8.13 Complaints received from Ministries, Central Government Departments, Public Sector Undertakings, State Governments, Union Territories and Members of Parliament with request for a CBI probe/investigation should be dealt with promptly. Such a complaint whether received directly or through the office of DIG or Head Office should be analysed by the Branch SP immediately with a view to decide whether it contains specific and definite allegations involving corruption or serious misconduct against public servants etc. which fall within the ambit of CBI and would require action by CBI. If it meets the above criteria, the procedure prescribed in paragraphs above for registration and verification of complaint should be followed. In case the complaint *per se* reveals a criminal offence fit for registration of a Regular Case or verification brings out material, which would justify open enquiry/ investigation after registration of a PE or Regular Case the permission of Competent Authority should be taken for registration. The department should be advised to make available all the relevant documents along with the complaint. In case, the documents cannot be made available as it may hamper the functioning of that office, authenticated copies may be obtained with an undertaking that the original documents would be made available during the course of investigation.

8.14 In cases, where the MHA, DP & T, Cabinet Secretariat or other Ministries ask for the comments of CBI on reference received from a private person for a CBI enquiry/investigation into any case which is already under investigation with the local Police, the concerned Branch SP should offer his comments by looking into the documents of the State Police informally. The CBI under no circumstances should call or examine witnesses or collect documents in original from the local Police in such matters.

Complaints/References from PMO/MHA/DP&T/Cabinet Secretariat/Department of Personnel/State Governments/ Ministries/Union Territories requesting for registration of cases

8.15 Complaints received from PMO/ MHA/ Cabinet Secretariat/ Department of Personnel/ State Govts./Union Territories/ Ministries in the Branch requesting for registration of a case should be immediately examined and put up to the Competent Authority for appropriate orders within seven days.

8.16 Where State Government employees are involved or the matter is beyond jurisdiction of CBI, the reference may be forwarded to the Head Office with analysis and recommendation of the officers. Head Office will issue instructions on further course of action which shall be complied with by the Branches.

8.17 Where it is not feasible for CBI to register a case the final reply shall be sent to the concerned quarters only with the approval/ directions of Head Office.

Complaints/References/Orders received from High Courts/Supreme Court

8.18 On receipt of orders of the Supreme Court/High Court for investigation of a case by CBI, the SP should immediately inform the Head Office and initiate processing of the reference as per instructions contained in the Chapter dealing with registration of Preliminary Enquiries and Regular Cases. However, if any such direction is received from a Lower Court, it should be referred to the Head Office for further orders.

Orders for Registration of case after Verification of Complaints

8.19 When a case can be registered only on the orders of a DIG or above, the complaint/verification report along with the recommendation of the SP should be forwarded to the Regional DIG for further necessary action. Similar action will be taken by the Regional DIG also, if the Competent Authority to order registration is a Joint Director or above. Case should be registered within 3 days of the receipt of orders of the Competent Authority.

Complaints on Matters under Scrutiny by a Parliamentary Committee

8.20 Legally, there is nothing to prevent CBI from taking cognizance of any criminal offence. However, whenever it is intended to register a case for investigation concerning a matter already under scrutiny by a Parliamentary Committee, it should be done only after consultation of the Committee through the Head Office.

Anonymous/Pseudonymous Complaints

8.21 No action shall be taken on anonymous and pseudonymous complaints. Such complaints need not even be sent to the Ministry/Department/ Public Sector Undertaking concerned by CBI. They should be filed after entry in the complaint register. If there is any doubt about a signed or pseudonymous complaint an enquiry may be held to the limited extent to check whether the signature is genuine and whether the signatory admits having sent the complaint and stands by it. On such a check, if it is found that the signature is genuine, further action should be taken as on the basis of a genuine /signed complaint. Otherwise, no further action need be taken. However, information contained in such complaints may be used as intelligence input for identifying public servants indulging in corrupt activities as well as in finding areas of corruption in various departments.

Action on Reports appearing in the Press/Media etc.

8.22 Government of India instructions already exist to ensure that immediate notice is taken by the administrative authorities of allegations appearing in the Press/media on any matter of significance. A preliminary check may be made quickly to decide if the matter needs further action by CBI. In case, the subject matter is found actionable, further action may be taken as prescribed for registered complaints, with the approval of Competent Authority.

Complaints against CBI officials

8.23 All complaints against CBI officials of any rank, whether signed or anonymous, must be analysed and brought to the notice of the Competent Authority as prescribed by Policy Division instructions/circular with specific recommendation of proposed action. The Joint Director (Policy)/AIG-II may be kept informed of such matters.

Action to be taken on Verification Report

8.24 After initial examination of a complaint the officer entrusted with the verification will submit his detailed verification report with his specific recommendations as regards its disposal. The Verifying Officer should invariably mention whether the subject-matter of the complaint has already been looked into by the Department or its Vigilance Wing and the action taken thereon. The Superintendents of Police will either pass orders for closing the complaint, referring it to the department or for registration of Preliminary Enquiry / Regular Case if it is within his competence. In all other cases he will record his detailed comments and make specific recommendations for disposal of the complaint and forward it to DIG for obtaining appropriate orders. Similar action will be taken by DIG also, if Competent Authority to order registration of a case is a Joint Director or above. The provisions of Section 6A of DSPE Act may also be kept in view while making recommendation for registration of Preliminary Enquiry or a Regular Case.

Acknowledgment of Complaints/Letters

8.25 While it may not be possible to acknowledge receipt of each and every complaint, once a complaint has been registered for verification, the sender may be intimated, if deemed appropriate, stating that the same was being looked into and appropriate action would be taken in the matter. So far as the Government Departments are concerned, they should be advised of the action being taken by CBI on their communication. When a PE or RC is registered based on the complaint, a

copy thereof shall be endorsed to the individual/ officer who had sent the complaint to CBI. All complaints received from Members of Parliament should be acknowledged promptly.

SOURCE INFORMATION REPORTS

Collection of Source Information

8.26 As a part of their duty and in terms of annual programme of work, all Investigating and Supervisory Officers are required to collect quality information regarding graft, misuse of official position, possession of disproportionate assets, fraud, embezzlement, serious economic offences, illegal trading in narcotics and psychotropic substances, counterfeiting of currency, smuggling of antiques, acts endangering wildlife and environment, cyber crimes, serious frauds of banking/financial institutions, smuggling of arms & ammunition, forgery of passports etc. and other matters falling within the purview of CBI and verify the same to ascertain whether any *prima facie* material is available to undertake an open probe. While all CBI officers are free to develop such information through discreet means, the officer developing any information must keep his superior officer informed regarding information being developed by him. The immediate superior officer may also keep the Competent Authority, i.e. DIG/JD/ ADCBI/SDCBI/DCBI informed in case the officer against whom information is being developed is of a rank against whom only such officer can order registration of a case.

8.27 The source information once developed must be submitted in writing giving all available details with specific acts of omissions and commissions and copies of documents collected discreetly. The internal vigilance enquiries or departmental enquiry reports should normally not be used as basis for submitting the Source Information. The SP concerned after satisfying himself that there is *prima facie* material meriting action by CBI and further verification is likely to result in registration of a regular case, would order verification if it falls within his competence. In the cases which are within the competence of higher officers, he will forward his detailed comments to the DIG and obtain orders from superior officer competent to order registration. The verification of SIRs must begin only after the Competent Authority has approved its registration. At this stage a regular SIR number will be assigned to the SIR which will also be entered in the Source Information sub-module of CRIMES Module with all other details.

8.28 The SIR may be classified as 'SECRET'. These files must be maintained by the SP in his office.

8.29 After registration, verification may be entrusted to an officer other than who has submitted the SIR. As far as possible, the requisition of records/documents should be avoided during verification of SIRs. In case, it is absolutely necessary to do so, the requisition must go to the concerned Vigilance Officer under the signatures of the SP after obtaining permission from the DIG concerned. It must be ensured that no record/documents are requisitioned before the Competent Authority has passed orders for registration of an SIR.

8.30 However, if the Source Information Report is likely to result in laying a trap to catch a public servant red handed or where surprise check becomes necessary and the time available is short, the SP may after keeping the Competent Authority informed take further steps and submit the file subsequently for regular approval.

8.31 In case, during the course of verification of information, involvement of another officer(s) of a senior rank is revealed, orders of the competent officer should be obtained to conduct enquiry against such suspect officer.

8.32 The verification of an SIR must be completed within a period of three months. In case of delay, the approval of the Competent Authority should be obtained to carry out further verification beyond the prescribed time-limit.

8.33 After verification, the Verifying Officer should submit his detailed report, wherein it should be specified whether the allegations of the SIR have been substantiated or not. The Verifying Officer should invariably mention whether the subject matter of the SIR has already been looked into by the department or its Vigilance Wing and the action taken thereon. He would also make specific recommendation whether the matter may be closed, referred to the department, or a Regular Case

or Preliminary Enquiry could be registered for open probe. In case, the recommendation is for registration of a Regular Case, the names of the individuals against whom the case could be registered must be clearly mentioned. Sections of law under which the case is sought to be registered, should be specified. The provision of Section 6A of DSPE Act may be kept in view while making such recommendations. The SP may, thereafter, analyse the verification report and issue orders if the individual against whom the case is to be registered comes within his competence. In other cases he would record his detailed and specific comments and forward the matter to DIG who may either pass appropriate orders or forward the file to the Competent Authority through his superiors for obtaining orders. While processing the matter, the SP must ensure that the same matter is not being enquired into departmentally and if so, he must make specific recommendation as to why it is necessary to have a CBI probe in the said matter.

8.34 The Special Unit will also follow the same procedure for developing source information and undertaking verification of complaints and SIRs. Wherever it is considered necessary that Special Unit may conduct verification into the complaint assigned to a Branch or the source information being developed by a Branch, the matter will be put up to the Director, CBI for appropriate orders.

8.35 Where two or more Branches are involved in verification of similar complaints or informations, it should be transferred to the Branch having jurisdiction over the place of occurrence, in order to avoid duplication.

Registration of Cases on the basis of Information furnished by the

Special Unit

8.36 Whenever verified information or complaint is received by the Branch from the Special Unit, along with a Self Contained Note and orders of the Competent Authority for registration of PE/RC, the same should be promptly acted upon. However, if it is found by the Branch SP that the orders of the Competent Authority communicated to the Branch by the Special Unit require to be amended or modified, he should submit a detailed note recording clear and cogent reasons, through his DIG for further orders within 15 days. The matter will then be put up to the DCBI for obtaining revised orders.
