



Government of Jammu and Kashmir
General Administration Department
(Vigilance) Civil Secretariat; Srinagar/Jammu

Subject:- Lodging complaints against public servants - instructions regarding.

Circular No. 34-JK(GAD) of 2022
Dated: 03.10.2022

In order to eradicate corruption for providing robust service delivery mechanism and increase participation of citizens in governance at various levels, citizens can draw attention of appropriate authority by making formal complaints regarding any action/inaction on part of public servant in writing or through other specified means for which complaint redressal mechanism has already been put in place in the Union territory of Jammu and Kashmir. The following instructions are issued for proper lodging and disposal of these complaints against the public servants:-

- (i) Complaints can be lodged with appropriate authority by addressing a written communication either directly or through electronic mode or on portal available for this purpose. Appropriate authority, after gathering information about corruption, malpractices and misconduct may take appropriate action under law against such public servants in a time bound manner.
- (ii) It is, however, reiterated that anonymous or pseudonymous complaints or complaints containing vague, frivolous, non-specific allegation should not be taken cognizance of. Further, complaints about sub-judice matters should also not be entertained. The guidelines regarding disposal of anonymous/pseudonymous complaints in the Departments/Autonomous Bodies etc. have earlier been notified by General Administration Department, vide Circular No. 29-GAD(Vig) of 2014 dated 31.07.2014, which were reiterated vide Circular No. 22- GAD(Vig) of 2015 dated 10.07.2015. These guidelines have been notified in consonance with those issued by the Department of Personnel & Training, Ministry of Personnel & Public Grievances & Pensions, Government of India, vide Office Memorandum No. 104/76/2011-AVD.I dated 18.10.2013 read with Office Memorandum No. 104/76/2011-AVD.I dated 18.10.2018 and Central Vigilance Commission's circulars bearing No. 07/11/2014 dated 25th November, 2014 and No. 03/03/2016 dated 7th March, 2016.
- (iii) As a standard procedure in these matters, the first step is to verify whether the complaints are filed by citizens who have provided their particulars viz. name, address and contact number. In case, the complaint is anonymous/pseudonymous, the same is to be filed without any further action. The culture of anonymous/pseudonymous complaints is to be discouraged.

03.10.2022

The complaints which have been filed by persons who have provided their identity should be processed in accordance with law and where the complaints are genuine, due action be taken against the officers/officials under extant rules and guidelines issued by CVC as well as GAD.

(iv) It is also clarified that there are specific provisions in law to deal with fake, frivolous and motivated complaints. Importantly, in cases where it is established that the complaints were lodged with a malafide intention or an ulterior motive to harass or harm an innocent Government servant, necessary action should be taken against such Complainants as per law. The following action can be taken against the persons making the false complaints:-

- a. Under section 182 of Indian Penal Code a person making a false complaint can be prosecuted;
- b. Under section 195(1)(a) of Code of Criminal Procedure, 1973 a person making a false complaint can be prosecuted on the basis of a complaint lodged with the 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;
- c. If a person making a false complaint is a public servant, departmental action may also be considered against them as an alternative to prosecution.

The above instructions are brought into the notice of all Administrative Departments/Autonomous Bodies etc., public servants and general public for strict adherence.

Sd/-

(Dr. Piyush Singla) IAS,
Secretary to the Government.

No. GAD-VIG0COMP/154/2021-09-GAD

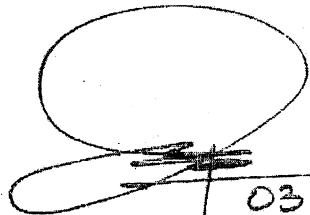
Dated: 03.10.2022

Copy to:-

1. All Financial Commissioners (Additional Chief Secretaries).
2. Director General of Police, J&K.
3. All Principal Secretaries to the Government.
4. Director General, J&K IMPA&RD.
5. Principal Secretary to the Lieutenant Governor.
6. All Commissioner/Secretaries to the Government.
7. Chief Electoral Officer, J&K.
8. Principal Resident Commissioner, J&K Government, New Delhi
9. Joint Secretary (Jammu & Kashmir/Ladakh), Ministry of Home Affairs, GoI.
10. Chairperson, J&K Special Tribunal.
11. Director, Anti Corruption Bureau, J&K.

103-10-2022

12. Divisional Commissioner, Kashmir/Jammu.
13. All Heads of Departments/Managing Directors.
14. All Deputy Commissioners.
15. Director Information, J&K with the request for wide publicity of above circular.
16. Director, Archives, Archaeology and Museums.
17. Secretary, J&K Public Service Commission/BoPEE/SSB.
18. Secretary, J&K Legislative Assembly.
19. General Manager, Government Press, Srinagar/Jammu.
20. Private Secretary to the Chief Secretary.
21. Private Secretary to Advisor (B) to the Lieutenant Governor.
22. Private Secretary to Secretary to the Government, GAD.
23. I/c Website, GAD.
24. Circular file.


03.X.2022
(Dr. Mohammad Usman Khan) JKAS,
Deputy Secretary to the Government.