



**MOIL LIMITED**  
(A Government of India Enterprise)

# VIGILANCE VANI

MONTHLY NEWS LETTER OF VIGILANCE MOIL

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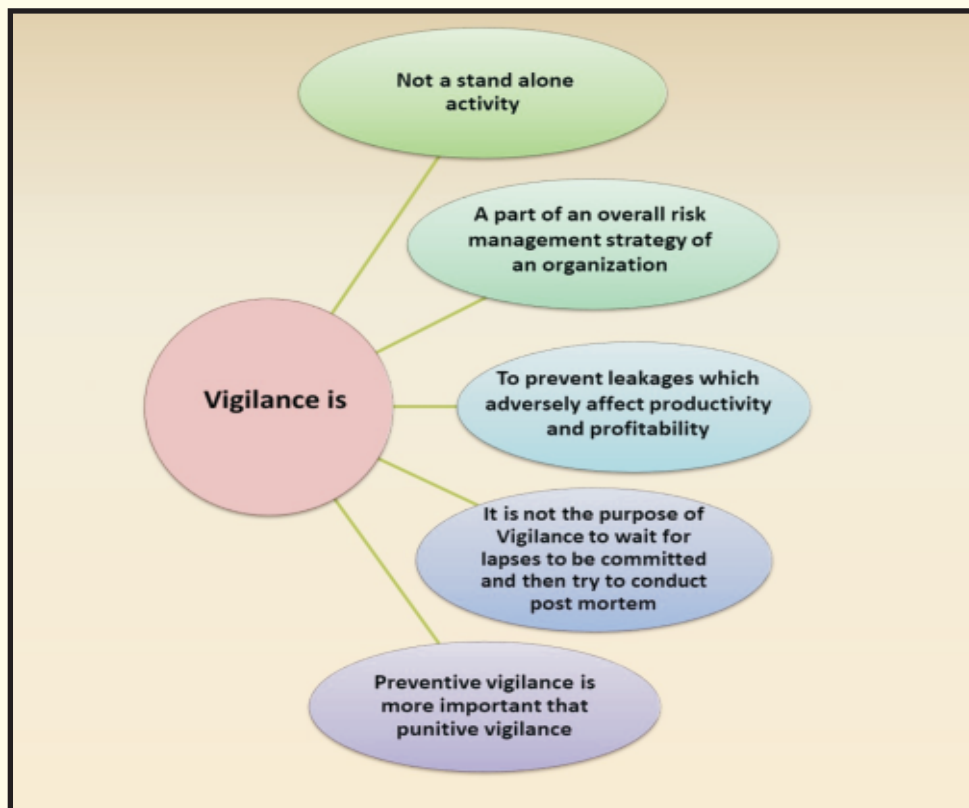
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## Comprehensive guidelines on Complaint Handling Mechanism-Part 15

### 1. Withdrawal of Complaints by Complainant

It is to be noted that once a complainant confirms the complaint and investigation has been initiated by the Commission/ Organisation, it is not permissible to withdraw/ stop the investigation, even if the complainant requests for withdrawal or for stopping the investigation. The allegations contained in the complaint have to be taken to their logical conclusion, once investigation has started.

### 2. Action against persons making false complaints

There are specific provisions in law to deal with false, frivolous, and motivated complaints. The same are not evoked ordinarily for the sake of genuine complainants. However, in cases where it can be established that the complaints were lodged with a malafide/ulterior motive to harass or harm an innocent Government servant, necessary action could be taken against such complainants as per law.

- a. Under Section 182 of the Indian Penal Code, 1860, a person making false complaint can be prosecuted.
  - b. Under section 195(1 )(a) of Code of Criminal Procedure, 197 3 a person making a false complaint can be prosecuted on the basis of 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.
  - c. If the person making a false complaint is a public servant, departmental action may also be considered against him as an alternative to prosecution.
3. The Commission is responsible for advising Ministries/Departments in the matters related to integrity in administration as also to exercise a general check and supervision for overall effective Vigilance Administration. For this purpose, Commission has powers to call for reports, returns and statements. The Commission may, if deemed necessary, conduct inquiry/ investigation, of its own, as per its functions and powers.  
(Section 8(1)(c), 8(1)(d) and Section 11 of CVC Act)

### **Advisory Issued to Management for systemic improvement by Vigilance**

#### **APR Scrutiny by Vigilance**

- a. The executives may be advised :-
  - i. To give prior intimation/take prior sanction (as the case may be) before acquiring immovable property as per MOIL Employees (Conduct) Rules, 1978. There is no need to intimate after physically acquiring the property again as per MOIL Employees (Conduct) Rules, 1978.
  - ii. To compulsorily submit APR every year giving information about all immovable properties in his possession as on 1st January of calendar year irrespective of the fact whether he has acquired any immovable property in previous calendar year or not.
  - iii. To give prior intimation/take prior sanction before acquisition of immovable property even if these details are submitted in APR and vice-versa.
- b. Vigilance clearance will not be given if the executive fails to submit APR as communicated vide CVC OM No.021-AIS-6(7) dated 16.03.2022.This may be brought to the knowledge of all the executives.
- c. An additional column indicating details of Intimation /prior permission for acquisition of immovable property acquired during last 5 years may be included in Form-I of APR.

## Gist of important circular published by CVC

Circular No:	Subject:	Details:
01/01/23 Dt: 13.01.2023	Engagement of retired Officials to conduct Investigation and perform other vigilance functions.	<ul style="list-style-type: none"> <li>• The Commission has directed that vigilance functionaries in any organization shall be full-time employees and a retired employee should not be appointed as a consultant to perform vigilance functions.</li> <li>• The Commission has emphasized that:               <ul style="list-style-type: none"> <li>➤ Investigating Officers and other vigilance functionaries have a crucial role in recording statements, examining various aspects of a case, preparation of investigation reports and safe custody of documents, including classified/confidential ones.</li> <li>➤ Vigilance functionaries are made accountable and subjected to disciplinary action, if they are found to have compromised confidentiality, objectivity or integrity, in discharge of duties assigned to them.</li> <li>➤ The accountability is not possible in case of retired officials as Conduct and Disciplinary Rules are not applicable to a retired official, for any postretirement misconduct.</li> </ul> </li> <li>• In view of the above, the Commission reiterates that:               <ul style="list-style-type: none"> <li>➤ The vigilance functionaries should always be full-time employees of the respective organisations and in no case a retired employee should be appointed, in any capacity, to perform any of the vigilance functions.</li> </ul> </li> </ul>



**Inspection by VO, MOIL at Tirodi Mine**



**Inspection by VO, MOIL at Gumgaon Mine**



## MODUS OPERANDI OF FINANCIAL FRAUDSTERS-Part 12

Reserve Bank of India has taken initiative by publishing a booklet on modus operandi of financial fraudsters for consumer awareness. To prevent MOIL employees from such fraudsters in their professional and Personal capacity while making financial transactions and their activities in social media, it is reproduced below:

### Fraudulent Loans with Stolen Documents

Raju fills up several forms on the internet for availing of a personal loan.

Raju fills the loan application form with all his details and provides a cancelled cheque to the representative.

The fraudster applies for a loan using Raju's documents but gives his own account number for the disbursement of the loan.

Raju: "5 percent only! Okay, I need the loan!"

Fraudster: "Hello Sir, I am Ramesh from XYZ agency. We are providing personal loans at an interest rate of 5 percent per annum."

Fraudster: "Okay Sir, I will send my representative to fill your application form."

Raju: After a month, Raju receives a letter informing him Rs 10,000/- is due for the loan...

Shocked, Raju calls the bank to inform them that he did not take any loan. But the bank shows the loan application form filled by him.

Do's:

- ✓ Always monitor the end-use of the documents in the transactions.
- ✓ Report the incident to the nearest Cyber Crime Police Station and National Cyber Crime Reporting Portal at <https://cybercrime.gov.in>

Don'ts:

- ✗ Never share your confidential details like the Aadhaar number, PAN number, cheque book or cheques with unknown persons.

**VIGILANCE DEPARTMENT, MOIL LIMITED**  
 "MOIL BHAWAN", 1A, KATOL ROAD,  
 NAGPUR-440013. PBX :0712-2806100  
 Website : [www.moil.nic.in](http://www.moil.nic.in) CIN : L99999MH1962GOI012398

Toll free No. : 18002333606

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