

No. 371/4/2013-AVD-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block New Delhi
Dated the 3rd September, 2013

OFFICE MEMORANDUM

Subject: Amendment of Government of India's Resolution No. 89 published in the Gazette of India Part I Section 1, Extraordinary dated 21st April, 2004(read with corrigendum dated 29th April, 2004) commonly known as the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution-regarding

In continuation of this Department's OM of even No. dated 14th August, 2013, the undersigned is directed to enclose herewith a copy of printed version of Extraordinary Gazette Notification on the above subject for information and necessary action.

Encl: As above.



(M.M. Maurya)

Under Secretary to the Government of India
Tel. No. 23094541

To,

All the Ministries/ Departments of the Government of India.

Copy to:

1. PMO, South Block, New Delhi.
2. The Secretary, Central Vigilance Commission, Satarkata Bhavan, New Delhi.
3. The Cabinet Secretariat, New Delhi, w.r.t. their I.D. No. 28/CM/2013(i) dated 8th August, 2013
4. PS to Hon'ble MOS(PP), PPS to Secretary(P)/EO&AS/AS(S&V), DOPT.
5. The CVO, Department of Personnel and Training, New Delhi.
6. Order Bundle/Guard file. / *NIC*

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS**

(Department of Personnel and Training)

RESOLUTION

New Delhi, the 14th August, 2013.

No.371/4/2013-AVD-III – In this Ministry's Resolution No.371/12/2002-AVD-III dated 21st April, 2004, published in the Gazette of India, Extraordinary, Part I, Section 1, authorising the Central Vigilance Commission (CVC) as the Designated Agency for handling of complaints under the Public Interest Disclosure and Protection of Informers, the following amendments are hereby made, namely:-

In the said Resolution,-

- (i) in paragraphs 2, 3, 4, 5, 6, 8, 9, 10 and 11, for the words "the designated agency" wherever they occur, the words "the designated agency or the designated authority" shall respectively be substituted;
- (ii) in paragraph 1, the words "The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other material." shall be omitted;
- (iii) after paragraph 1, the following paragraphs shall be inserted, namely:-
"1A. The Chief Vigilance Officers of the Ministries or Departments of the Government of India are also authorised as the designated authority to receive written complaint or

disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.

IB. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other materials.";

- (iv) after paragraph 7, the following paragraph shall be inserted, namely:-

"7A. Either on the application of the complainant, or on the basis of the information gathered, if the designated authority is of the opinion that either the complainant or the witnesses need protection, the designated authority, shall take up the matter with the Central Vigilance Commission, for issuing appropriate directions to the Government authorities concerned.";

- (v) after paragraph 11, the following paragraph shall be inserted, namely:-

"11A The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.".

DEEPTI UMASHANKAR, Jt. Secy.

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

RESOLUTION

New Delhi, the 21st April, 2004

No. 371/12/2002-AVD-III.—Whereas while hearing Writ Petition (C) No. 539/2003 regarding the murder of Shri Satyendra Dubey, the Supreme Court desired that pending enactment of a suitable legislation, suitable machinery should be put in place for acting on complaints from "whistle-blowers".

And whereas the 'The Public Interest Disclosure and Protection of Informers' Bill, 2002, drafted by the Law Commission is under examination.

Now, therefore, the Central Government hereby resolves as under :

1. The Central Vigilance Commission (CVC) is hereby authorized, as the Designated Agency, to receive written complaints or disclosure on any allegation of corruption or of mis-use of office by any employee of the Central Government or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other material.
2. The designated agency may, if it deems fit call for further information or particulars from the persons making the disclosure. If the complaint is anonymous, the designated agency shall not take any action in the matter.
3. Notwithstanding anything contained in the Official Secrets Act, 1923, any public servant other than those referred to clauses (a) to (d) of Article 33 of the Constitution or any other person including any non-governmental organisation, may make a written disclosure to the designated agency.
4. If the complaint is accompanied by particulars of the person making the complaint, the designated agency shall take the following steps :
 - (i) The designated agency will ascertain from the complainant whether he was the person who made the complaint or not.
 - (ii) The identity of the complainant will not be revealed unless the complainant himself has made the details of the complaint either public or disclosed his identity to any other office or authority.
 - (iii) After concealing the identity of the complainant, the designated agency shall make, in the first instance, discreet inquiries to ascertain if there is any basis of proceeding further with the complaint. For this purpose, the designated agency shall devise an appropriate machinery.
 - (iv) Either as a result of the discreet inquiry, or on the basis of the complaint itself without any inquiry, if the designated agency is of the opinion that the matter requires to be investigated further, the designated agency shall officially seek comments/or explanation from the Head of the Department of the concerned organisation or office. While doing so, the designated agency shall not disclose the identity of the informant and also shall request the concerned Head of the organisation to keep the identity of the informant secret, if for any reason, the concerned Head comes to know the identity.
 - (v) After obtaining the response of the concerned organisation, if the designated agency is of the opinion that the investigations reveal either mis-use of office or substantiate allegations of corruption, the designated agency shall recommend appropriate action to the concerned Government Department or Organization. These shall, *inter alia*, include following :
 - (a) Appropriate proceedings to be initiated against the concerned Government servant.
 - (b) Appropriate administrative steps for redressing the loss caused to the Government as a result of the corrupt act or mis-use of office, as the case may be.
 - (c) Recommend to the appropriate authority/agency initiation of criminal proceedings in suitable cases, if warranted by the facts and circumstances of the case.
 - (d) Recommend taking of corrective measures to prevent recurrence of such events in future.

5. For the purpose of making discreet inquiry or obtaining information from the concerned organisation, the designated agency shall be authorized to call upon the CBI or the police authorities, as considered necessary, to render all assistance to complete the investigation pursuant to the complaint received.
6. If any person is aggrieved by any action on the ground that he is being victimized due to the fact that he had filed a complaint or disclosure, he may file an application before the designated agency seeking redress in the matter, who shall take such action, as deemed fit. The designated agency may give suitable directions to the concerned public servant or the public authority as the case may be.
7. Either on the application of the complainant, or on the basis of the information gathered, if the designated agency is of the opinion that either the complainant or the witnesses need protection, the designated agency shall issue appropriate directions to the concerned Government authorities.
8. The machinery evolved herein shall be in addition to the existing mechanisms in place. However, secrecy of identity shall be observed, only if the complaint is received under this machinery.
9. In case the designated agency finds the complaint to be motivated or vexatious, the designated agency shall be at liberty to take appropriate steps.
10. The designated agency shall not entertain or inquire into any disclosure :
 - (a) in respect of which a formal and public inquiry has been ordered under the Public Servants' Inquiries Act, 1850; or
 - (b) in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952.
11. In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorized to initiate appropriate action as per extant regulations against the person or agency making such disclosure.
12. The machinery created herein shall operate till Parliament passes a law on the subject.

SMT. MANJULIKA GAUTAM, Addl. Secy.



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MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

CORRIGENDUM

New Delhi, the 29th April, 2004

No. 371/12/2002-AVD.III.—In partial modification of the Government of India's Resolution No. 89, published in the Gazette of India Part I Section 1, Extraordinary dated 21st April, 2004, the following modifications are made in the opening para and para-2 of the said Resolution :

(i) The opening para of the Resolution is substituted as :

"Whereas while hearing Writ Petition (C) No. 539/2003 regarding the murder of Shri Satyendra Dubey, the question of a suitable machinery for acting on complaints from 'whistle-blowers' arose."

(ii) In para 2 the word "designateed" is substituted as "designated".

Smt. MANJULIKA GAUTAM, Addl. Secy.