

Module 3

Vigilance Mechanism

Chapter 2

Public Interest Disclosure and Protection of Informers (PIDPI) RESOLUTION

The Hon'ble Supreme Court of India, while hearing the Writ Petition (C) no. 539/2003 relating to the murder of Shri Satyendra Dubey, directed the Government of India to set up a suitable mechanism for receipt and enactment of complaints from "Whistle-Blowers". Accordingly, Department of Personnel and Training issued Resolution No. 89 dated 21st April, 2004, commonly known as Public Interest Disclosure and Protection of Informers Resolution, 2004, resolving to set up a mechanism by which a complainant can lodge a complaint in the prescribed manner and also seek protection against his victimisation for doing so. (Such complainants, called Whistle Blowers, are entitled to non-disclosures of their identity publicly, unless, they themselves do so). The Central Vigilance Commission has been authorised under the PIDPI Resolution, as the Designated Agency to receive complaints from whistle blowers.

The DoPT vide Notification No. 371/4/2013-AVD.III dated 14.08.2013 partially amended the PIDPI Resolution, 2004. The amended provisions provide that the Chief Vigilance Officers of the Ministries or Departments of the Government of India are 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.

In furtherance of the PIDPI Resolution, 2004, Central Vigilance Commission vide Office Order No. 33/5/2004 dated 17.05.2004 issued guidelines and Public Notice regarding the procedure to be followed for filing

whistle-blower complaints under the PIDPI Resolution 2004. The following procedure has been prescribed in the public notice: -

- a) The complaint should be sent to the Commission in a closed / secured envelope.
- b) The envelope should be addressed to Secretary, Central Vigilance Commission and should be super-scribed "Complaint under the Public Interest Disclosure".
- c) The complainant should give his/her name and address in the beginning or end of complaint or in an attached letter.

Complaints received under PIDPI Resolution are opened in a separate section in the Commission, specially created for dealing with complaints from Whistle-Blowers. The section is called 'Confidential Section' and parallel files (separate file for each complaint) are created after concealing the name and address of the complainant.

A Screening Committee under the chairpersonship of Secretary, CVC recommends requisite action on the PIDPI complaint after examining the complaint on parallel file where the identity of the complainant is masked.

Pseudonymous / Anonymous PIDPI complaints will be filed and no action will be taken. The complaints which have been addressed to other / several authorities are not treated as complaint under PIDPI Resolution.

In respect of those complaints which are considered fit for processing under PIDPI Resolution, a letter is sent to the complainant to obtain (a) confirmation as to whether he / she has made the complaint or not and (b) a certificate that that he/she has not made similar / identical allegation of corruption / misuse of office to any other authorities. Prescribed time limit for receiving the confirmation and the certificate from the Complainant is 30 days from the date of receipt of Commission's letter by the complainant. In case of no response within the prescribed time limit, a reminder is issued, giving additional two weeks' time to the complainant for sending confirmation and the certificate, to the Commission. If there is still no response from the complainant, the complaint is filed.

The complaints, where necessary action has been recommended by the Screening Committee, are referred to the Vigilance Branch concerned for further action. Complaints recommended for investigation and report is sent to the Vigilance Branch concerned of the Commission for further action after approval of the Commission. The Commission has prescribed a period of 12 weeks from the date of receipt of reference from the Commission, for the organizations to submit investigation report.

The Commission, after receipt of representation (s) from Whistle Blowers about threat to their life, takes up the matter with the Ministry of Home Affairs, the Nodal Agency, to undertake the responsibility of providing security cover to the genuine Whistle Blowers. On the advice of the Ministry of Home Affairs, State Government/UTs have appointed Nodal Officers to deal with such representations.

In case it is observed that the victimization of the PIDPI complainant is being done in the organization, Commission upon receipt of representation take up the matter with the organization through the CVO.

The detail guidelines are available on the Commission's website www.cvc.gov.in .