

Public Interest Disclosure and Protection of Informers (PIDPI) Resolution

Introduction :

The Government of India had passed the Resolution No 89, published in the Gazette of India, on 21.04.2004 (read with corrigendum dated 29.04.2004), commonly known as the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution. This Resolution has been modified / amended by the Government of India vide its Gazette Notification No 190 dated 29.08.2013.

Provisions of the Resolution:

1. The Central Vigilance Commission (CVC) is hereby authorized as Designated Agency, to receive written complaints or disclosure on any allegation of corruption or of misuse 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.
- 1A. The Chief Vigilance Officers of the Ministries or Departments of the Government of India are also authorized 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.
- 1B. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other materials.
2. The Designated Authority may, if it deems fit call for further information or particulars from the persons making the disclosure. If the complaint is anonymous, the Designated Authority 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 organization, may make a written disclosure to the Designated Authority.
4. If the complaint is accompanied by particulars of the person making the complaint, the Designated Authority shall take the following steps :
 - (i) The designated authority 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 authority 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 authority 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 authority is of the opinion that the matter requires to be investigated further, the designated authority shall officially seek comments / or explanation from the Head of the Department of the concerned Organisation or office. While doing so, the designated authority 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 organization, if the designated authority is of the opinion that the investigations reveal either mis-use of office or substantiate allegations of corruption, the designated authority shall recommend appropriate action to the concerned Government Department or Organisation. 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 maybe.
 - (c) Recommend to the appropriate authority / agency initiation of criminal proceedings in suitable cases, if warranted by 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 organization, the Designated Authority 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 Authority seeking redress in the matter, who shall take such action, as deemed fit. The Designated Authority 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 Authority is of the opinion that either the complainant or the witnesses need protection, the Designated Authority shall issue appropriate directions to the concerned Government authorities.
 - 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.
 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 Authority finds the complaint to be motivated or vexatious, the Designated Authority shall be at liberty to take appropriate steps.
10. The Designated Authority 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 Commission of Inquiry Act, 1952.
11. In the event of the identity of the informant being disclosed in spite of the Designated Authority directions to the contrary, the Designated Authority is authorized to initiate appropriate action as per extant regulations against the person or agency making such disclosure.
- 11A. The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the Designated Authority.
12. The machinery created herein shall operate till Parliament passes a law on the subject.

In compliance of the above, the Chief Vigilance Officer, Competition Commission of India has been appointed as the Designated Authority for this purpose. The contact details of the CVO, CCI is as under:

Name	Shri Shiv Ram Bairwa
Designation	Chief Vigilance Officer
Address	Office Block-1, 9th Floor, Kidwai Nagar East, New Delhi : 110 023
Telephone No.	011 – 24664978
E-mail	cci-vigilance@cci.gov.in

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**Points to be kept in mind while submitting complaint under the
Public Interest Disclosure and Protection of Informers (PIDPI)
Resolution**

The Central Vigilance Commission (CVC) / CVO, CCI which will accept such complaints, has the responsibility of keeping the identity of the complainant secret. **Hence, it is informed to the general public that any complaint, which is to be made under this resolution should comply with the following aspects.**

- (i) The complaint should be a **closed / secured envelope**.
- (ii) The envelope should be addressed to the Secretary, Central Vigilance Commission / CVO, CCI and should be **superscribed "Complaint under the Public Interest Disclosure"**. If the envelope is not superscribed and closed, it will not be possible for the CVC / CVO, CCI to protect the complainant under the above resolution and the complaint will be dealt with as per the normal complaint policy of the CVC. The complainant should give his / her name and address in the beginning or end of complaint or in an attached letter.
- (iii) The CVC / CVO, CCI will **not entertain anonymous / pseudonymous complaints**.
- (iv) The text of the complaint should be carefully drafted so as **not to give any details or clue as to his / her identity**. However, the details of the complaint should be specific and verifiable.
- (v) In order to protect identity of the person, the CVC / CVO, CCI will not issue any acknowledgement and the whistle-blower are **advised not to enter into any further correspondence** with the CVC / CVO, CCI in their own interest. The CVC / CVO, CCI assures that, subject to the facts of the case being verifiable, it will take the necessary action, as provided under the Government of India Resolution mentioned above. If any further clarification is required, the CVC / CVO, CCI will get in touch with the complainant.

2. The CVC / CVO, CCI can also take **action against complainants making motivated / vexatious complaints** under this Resolution.

3. A copy of detailed notification is available on the web-site of the Central Vigilance Commission (<http://www.cvc.nic.in>.)

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