



# **THE STATE TRADING CORPORATION OF INDIA LTD.**

*Trading arm of India*

A Presentation on:-

**Complaints under Public Interest  
Disclosure and Protection of Informers  
(PIDPI) Resolution**

# What is Public Interest Disclosure and Protection of Informers (PIDPI) Resolution?

- ❑ PIDPI is a whistle blowing mechanism.
- ❑ In 2004, in response to a writ petition filed after the murder of Shri Satyendra Dubey, the SC directed that a machinery be put in place for acting on complaints of whistle blowers till a law is enacted. The Whistle Blowers Protection Act, 2011 is yet to come into force.
- ❑ Pursuant to that, 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.
- ❑ Under the PIDPI resolution, the identity of the complainant is kept secret and complainant is protected from victimization for making such complaints.
- ❑ This resolution has been modified/ amended by the Government of India vide its Gazette Notification No 190, dated 29.08.2013, wherein CVO's of Ministries & Department have also been appointed as DA.

# Provisions of PIDPI resolution:

1. CVC is authorized as Designated Agency to receive written complaints or disclosure on any allegation of corruption or of mis-use of office by any employee of 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.
2. The CVOs or Ministry or department of the Government of India are also authorized as the designated Authority to receive written complaint under PIDPI.
3. All the PIDPI complaint should be lodged in double envelope. The envelope should be addressed to the Secretary, CVC/ CVO and should be superscribed "Complaint under the Public Interest Disclosure". Do not write name and address of sender on the cover of envelope. The complainant should give his / her name and address in the beginning or end of complaint or in an attached letter. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other materials. No acknowledgement will be issued for PIDPI complaints.
4. 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.

# Provisions of PIDPI resolution:

(Contd.)

5. There is a sperate cell in CVC which deals in PIDPI complaints. Once compliant is received nobody can open it other than the official authorized by DA.
6. At the first step, the Designated Authority (DA) will take confirmation and will ascertain from the complainant whether he is the person who made the complaint or not and also verify the identity. DA may, if it deems fit call for further information or particulars from the persons making the disclosure. After that, it will be in the interest of complainant to not enter into any further communication.
7. If the complaint is anonymous/pseudonymous, the Designated Authority shall not take any action in the matter. 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.
8. After taking confirmation, DA will immediately conceal the identity of the complainant. DA will ensure that the identity of the complainant is removed from the body of the complaint. The name, address and identity details of complainant will be camouflaged and the allegation/ rest of the part of complaint is photocopied. The dummy complaint will be given a number along with central registry diary number with which the original complaint can be traced back.

# Provisions of PIDPI resolution:

(Contd.)

9. The original complaint will be kept in a safe/almirah. The custody of the almirah will be with the official authorized by the DA. Nobody other than authorized official can have access to the almirah. Similarly in the Ministry/Department officials up to the rank of SO/In charge, may be authorized by DA to open the PIDPI complaint and keep it in almirah under safe custody.
10. After concealing the identity of the complainant, the DA 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 DA shall devise an appropriate machinery.
11. There is a screening committee in commission, which after going through the complaint taken the decision on how to proceed in the matter.
12. If the screening committee feels that the complaint is not fulfilling eligibility criteria, then complaint will be returned and complainant will be informed why it is not eligible. Complainant will have the option to relodge a fresh PIDPI complaint after removing the deficiency or to lodge a general complaint.

# Provisions of PIDPI resolution:

(Contd.)

13. Either as a result of discreet inquiry, or on the basis of the complaint itself without any inquiry, if the DA is of the opinion that the matter requires to be investigated further, the DA shall officially seek comments/ or explanation from the Head of the concerned organization(HoO) or office. While doing so, the DA shall not disclose the identity of the informant and also shall request the concerned HoO to keep the identity of the informant secret, if for any reason, the concerned HoO comes to know the identity.
14. After obtaining the response of the concerned organization, if the DA is of the opinion that the investigations reveal either mis-use of office or substantiate allegations of corruption, the DA shall recommend appropriate action to the concerned Government Department or Organization. These shall include : -
  - 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.

# Provisions of PIDPI resolution:

(Contd.)

- c) Recommend to the appropriate authority / agency for initiation of criminal proceedings in suitable cases, if warranted by facts and circumstances of the case.
  - d) Recommend taking of corrective measures to prevent recurrency of such events in future.
15. For the purpose of making discreet inquiry or obtaining information from the concerned organization, the DA 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.
16. In case the DA finds the complaint to be motivated, frivolous, vexatious, administrative or grievance redressal in nature, then complaint will not be treated under PIDPI resolution.
17. If any person is aggrieved by any action on the ground that he is being victimized due to the fact that he has 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.

# Provisions of PIDPI resolution:

(Contd.)

18. 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.
19. In case of involvement of private parties, criminality, state government officials, CVC may take help from local police/CBI to appropriately handle the matter.
20. CVC emphasizes if the complainant is victimized or harassed then proper care should be taken by DA. In case of threat to life, CVOs of Ministry/ department can not deal with the matter and are advised to inform CVC. CVC writes to MHA and the appointed nodal officer of Police.
21. Immediately police protection is provided to such complainant at the first level. Later on CVC issues directions to the appropriate authority/ takes necessary steps for providing permanent solution on case to case basis.



# Provisions PIDPI resolution:

(Contd.)

22. The Designated Authority shall not entertain or inquire into any disclosure :
  - I. in respect of which a formal and public inquiry has been ordered under the Public Servants Inquiries Act, 1850 ; or
  - II. in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952.
23. 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.
24. The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the Designated Authority.
25. The machinery created herein shall operate till Parliament passes a law on the subject.

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

The Commission / CVO 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 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 Commission / CVO to protect the complainant under the above resolution and the complaint will be dealt with as per the normal complaint policy of the Commission. The complainant should give his / her name and address in the beginning or end of complaint or in an attached letter.
- (iii) Commission / CVO will not entertain anonymous / pseudonymous complaints.

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

- 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 Commission / CVO will not issue any acknowledgement and the whistle-blower are advised not to enter into any further correspondence with the Commission / CVO in their own interest.

The Commission / CVO 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 Commission / CVO will get in touch with the complainant. The Commission / CVO can also take action against complainants making motivated / vexatious complaints under this Resolution.

Personnel employed by the State Governments and activities of the State Governments or its Corporations etc, will not come under the purview of the Commission.

*THANK YOU*