

# PIDPI RESOLUTION

## BACKGROUND:

**Sh. Satyendra Dubey** was an Indian Engineering Service (IES) officer. He was the Project Director in the National Highways Authority of India (NHAI) at Koderma. On 27<sup>th</sup> November 2003, he was murdered in Gaya, Bihar for fighting against corruption in the Golden Quadrilateral highway construction project. The news ignited tremendous public hue and cry and the matter was raised in Parliament. In 2004, in response to a Writ Petition (Civil) No. 539/2003 filed after the murder of Shri Satyendra Dubey, the Supreme Court directed that a machinery be put in place for acting on complaints from whistleblowers till a law is enacted.

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Pursuant to that, the Govt of India vide Gazette Notification No. 371/12/2002-AVD- III dated 21.04.2004 r/w Corrigendum dated 29.04.2004 notified the **Public Interest Disclosure and Protection of Informers Resolution (PIDPI), 2004** which gave the powers to the Central Vigilance Commission to act on complaints from whistle-blowers.

The PIDPI Resolution has the following main provisions:-

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- ❖ The Commission is authorised as the “**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.
- ❖ Any public servant or a person including an NGO can make written disclosure to the designated agency except those referred in clauses (a) to (d) of Article 33 of Constitution.

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- ❖ Anonymous complaints shall not be acted upon.
- ❖ The identity of the complainant will not be revealed unless the complainant himself has disclosed his identity.
- ❖ The Head of the Department / Organisation to keep the identity of informant secret if he comes to know about it.
- ❖ The designated agency may call the comments / explanation of the Head of Department / Organisation on the disclosure made.
- ❖ The designated agency may seek the assistance of CBI or the police authorities to complete the investigation pursuant to the complaint received

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- ❖ If the informant feels he is being victimised, he may make an application before the designated agency seeking redress in the matter. The designated agency may give suitable directions to the concerned public servant or the public authority.
- ❖ 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 authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

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# PIDPI RESOLUTION (AMENDMENT)

Subsequent to the Resolution of 2004, the DoPT vide Notification No.371/4/2013-AVD.III dated 14.08.2013 partially amended the PIDPI Resolution.

The amendment, inter alia, authorised the **Chief Vigilance Officer of the Ministries or Departments of Government of India** to act as the “**Designated Authority**” to receive written complaint under PIDPI Resolution. The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.

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# GUIDELINES FOR COMPLAINANTS

To keep the identity of complainant secret Commission has issued Public Notice advising them to comply with the following procedure: -

- ❖ The complaint should be in a closed / secured envelope.
- ❖ The envelope should be addressed to Secretary, Central Vigilance Commission and should be superscribed “Complaint under the Public Interest Disclosure”.
- ❖ The complainant should give his/her name and address in the beginning or end of complaint or in an attached letter.

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- ❖ The text of the complaint should be carefully drafted so as not to give any details or clue as to the complainant's identity. However, the details of the complaint should be specific and verifiable.
- ❖ The Commission can also take action against complainants making motivated/vexatious complaints under this Resolution.

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# PROTECTION TO WHISTLE BLOWERS

- ❖ 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 (CVC) 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.
- ❖ 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.

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- ❖ 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 authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.
- ❖ As regards protection against victimisation or harassment within the Department, the Commission forwards such complaints of Whistle Blowers to the CVO of the concerned organisation for appropriate action.

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