

INDIA TRADE PROMOTION ORGANISATION

WHISTLE BLOWER POLICY

1. Preface

- 1.1 The India Trade Promotion Organisation believes in the conduct of its affairs in a fair and transparent manner by adopting highest standards of professionalism, honesty, integrity and ethical behaviour.
- 1.2 The Company is committed to develop a culture in which every employee feels free to raise concerns about any irregularity, unethical practice and/or misconduct.
- 1.3 As per guidelines on Corporate Governance issued by the Department of Public Enterprises in May 2010, all the Central Public Enterprises (CPSEs) are required to establish a mechanism called “Whistle Blower Policy” for employees to report to the management instances of unethical behaviour, actual or alleged fraud or violation of the company’s code of conduct or ethics policy.
- 1.4 This Whistle Blower Policy provides a framework to promote responsible and secure whistle blowing. It aims to protect employees wishing to raise a concern about any irregularities within the Company. However, the policy does not relieve employees of the Company from their duty of maintaining confidentiality in course of their work.

2. Definitions

The definitions of some of the key terms used in this Policy are given below. Capitalised terms not defined herein shall have the meaning assigned to them under the ITPO Employees’ (Conduct, Discipline and Appeal) Rules and CVC Guidelines.

- 2.1 **“Audit Committee”** means the Audit Committee of Directors constituted by the Board of Directors of the Company in accordance with Guidelines on Corporate Governance for CPSEs issued by Department of Public Enterprises.
- 2.2 **“Company”** or **“Organisation”** or **“ITPO”** means The India Trade Promotion Organisation.
- 2.3 **“Board Level Employee”** means Functional Directors on the Board of the Company.

2.4 **“Below Board Level Employee”** means all other employees of the Company.

2.5 **“Competent Authority”** means (i) Chairman, Audit Committee of Directors in case the Subject is a Board level employee of the Company, (ii) The Chief Vigilance Officer of the Company in case the Subject is a below Board level employee of the Company and the Protected Disclosure is in respect of items falling under Sr. No. 4.1 to 4.8 of this policy, and (iii) Director (Personnel)/OSD (Admn) in all other cases.

2.6 **“Corruption” includes the following but not limited to –**

- (i) any conduct whereby, in return of a gratification, a person does or neglects from doing an act in contravention of his public duties;
- (ii) the offer, promise, soliciting or receipt of a gratification as an inducement or reward to a person to do or not to do any act, with a corrupt intention;
- (iii) the abuse of public office for private gain;
- (iv) an agreement between two or more persons to act or refrain from acting in violation of a person’s duties for profit or gain.
- (v) any conduct whereby a person accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification for inducing a public official, by corrupt or illegal means, or by the exercise of personal influence, to do or abstain from doing an act in the exercise of his duties to show favour or disfavour to any person.

2.7 **“Disciplinary Action”** means any action that can be taken as per the provisions of ITPO Employees’ (Conduct, Discipline and Appeal) Rules.

2.8 **“Employee”** means a person in the employment of the Organisation whether working at Headquarters or at Regional Offices.

2.9 **“Fraud”** includes the following but not limited to willful act intentionally committed by an individual or by a group of individuals – by deception, suppression, cheating or any other fraudulent or illegal means thereby causing wrongful gain(s) to self or individual(s) and/or wrongful loss to other(s). It will also include acts that are undertaken with a view to deceive/mislead others leading them to do or prohibiting from doing a bonafide act or take bonafide decision which is not based on material facts.

- 2.10 **“Protected Disclosure”** means any communication made by an employee of the Company in good faith that discloses or demonstrates any unethical, illegal or improper activity or behaviour on the part of another employee(s) of the Company.
- 2.11 **“Subject”** means a person against or in relation to whom a Protected Disclosure has been made or evidence gathered during the course of an investigation.
- 2.12 **“Whistle Blower”** means an Employee making a Protected Disclosure under this Policy.
- 2.13 **“Whistle Officer”/“Investigator”** means an officer nominated by Competent Authority to conduct detailed investigation under this Policy.

3. Scope

- 3.1 This Policy applies to disclosure of any unethical, illegal activity or behaviour, fraud, corruption, violation of the ITPO Employees’ (Conduct, Discipline and Appeal) Rules, Code of Business Conduct and Ethics for Board Members and Senior Management, any other policy or the rule implemented by the Organisation for employees of ITPO.
- 3.2 The Whistle Blower’s role is that of a reporting person with reliable information. He/she is not required or expected to act as investigator or finder of facts, nor would he/she determine the appropriate corrective or remedial action that may be warranted in a given case.
- 3.3 The Whistle Blower will not conduct any investigation on his/her own, nor will he/she have a right to participate in any investigative activities other than as decided by the Whistle Officer.
- 3.4 Protected Disclosure will be appropriately dealt with in the manner outlined in Para 6 of this Policy.
- 3.5 Protected Disclosures should be factual and not speculative or in the nature of a conclusion, and should contain specific information to allow for proper assessment of the nature and extent of the concern and the urgency of a preliminary investigative procedure.
- 3.6 In case Competent Authority finds that the Protected Disclosure does not contain any specific verifiable information, he/she may decide to close the matter without any investigation and may also inform the Whistle Blower suitably.
- 3.7 No anonymous/pseudonymous disclosures shall be entertained.

4. Act(s) covered

The following will constitute as acts of unethical/illegal behaviour/activity, fraud/corruption, in addition to violation of the ITPO Employees' (Conduct, Discipline and Appeal) Rules and violations of Code of Business Conduct and Ethics for Board Members and Senior Management of ITPO, etc.:

- 4.1 Where Subject demands and/or accepts gratification other than legal remuneration in respect of an official act or for using his/her influence with any other official.
- 4.2 Where Subject obtains valuable thing, without consideration or with inadequate consideration from a person with whom he/she has or likely to have official dealings or his/her subordinates have official dealings or where he/she can exert influence.
- 4.3 Where Subject obtains for himself/herself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his/her position as a public servant.
- 4.4 Cases of misappropriation, forgery or cheating or other similar criminal offences by Subject.
- 4.5 Gross or willful negligence by Subject.
- 4.6 Blatant violations of systems and procedures by Subject.
- 4.7 Where Subject exercises discretion in excess, where no ostensible/public interest is evident.
- 4.8 Any undue/unjustified delay in disposal of a case by Subject, etc.
- 4.9 All administrative issues including matters related to Personnel Division, issues arising out of implementation of personnel policies, rules, regulations, decisions and those relating to employees' work place having no vigilance angle.

5. Eligibility

All Employees of the Company are eligible to make Protected Disclosures under the Policy.

6. Procedure

- 6.1 Protected Disclosures shall be reported in writing so as to ensure a clear understanding of the issues raised and should be either typed or written in a legible handwriting in English or Hindi.
- 6.2 All Protected Disclosures shall be made along with a covering letter which shall bear the identity of the Whistle Blower such as his/her name and address.
- 6.3 All Protected Disclosures against below Board level employees shall be addressed to the Chairman/Chairperson and Managing Director of the Company in a closed/secured envelop and should be super scribed "Protected Disclosure under the Whistle Blower Policy", at the following address:

Chairman/Chairperson and Managing Director

India Trade Promotion Organisation

Pragati Bhawan, Pragati Maidan

New Delhi-110 001.

- 6.4 All Protected Disclosures received by the Chairman/Chairperson and Managing Director shall be opened only by him/her. He/she shall detach the covering letter which would be kept under safe custody and forward the Protected Disclosure to the Competent Authority who will nominate a suitable Whistle Officer/Investigator for investigation.

- 6.5 All Protected Disclosures against Board level employees shall be addressed to the Chairman, Audit Committee of Directors of the Company in a closed/secured envelop and should be super scribed "Protected Disclosure under the Whistle Blower Policy", at the following address:

Chairman, Audit Committee

C/o Company Secretary

India Trade Promotion Organisation

Pragati Bhawan, Pragati Maidan

New Delhi-110 001.

- 6.6 The Chairman, Audit Committee of Directors who, in the capacity of Competent Authority, will appoint a Whistle Officer/Investigator and forward the protected disclosure to such Whistle Officer/Investigator for

investigation after detaching the covering letter containing the identity of the Whistle Blower.

- 6.7 In order to protect identity of the Whistle Blower(s), no acknowledgement will be issued and Whistle Blower(s) are advised not to enter into any further correspondence in their own interest.

7. Investigation

- 7.1 All Protected Disclosures reported under this Policy will be thoroughly investigated by the duly appointed Whistle Officers/Investigators.

- 7.2 The decision to conduct an investigation into a Protected Disclosure by itself is not an acceptance of the accusation and is to be treated as a neutral fact-finding process because the outcome of the investigation may or may not support accusation.

- 7.3 The identity of a Subject will be kept confidential to the extent possible given the legitimate needs of the investigation.

- 7.4 Unless there are compelling reasons not to do so, Subjects will be given reasonable opportunity for hearing their side during the investigation. No allegation of wrongdoing against a Subject shall be considered as maintainable unless supported by evidence.

- 7.5 Subjects shall have a duty to co-operate with the Whistle Officer(s)/Investigator(s) during investigation to the extent that such co-operation sought does not merely require them to admit guilt.

- 7.6 Subjects shall have right to access any document/information for their legitimate need to clarify/defend themselves in the investigation proceedings.

- 7.7 Subjects shall have a responsibility not to interfere with the investigation. Evidence shall not be withheld, destroyed or tampered with, and witnesses shall not be influenced, coached, threatened or intimidated by the Subjects.

- 7.8 Subjects have a right to be informed of the outcome of the investigation. If allegations are not sustained, the Subjects shall be consulted as to whether public disclosure of the investigation results would be in the best interest of the Subject and the Company.

- 7.9 Whistle Officer/Investigator shall complete the investigation within 90 days and submit his/her report to Competent Authority.

- 7.10 In case of allegations against a Subject being substantiated by the Whistle Officer in his/her report, the Competent Authority shall give an opportunity to the Subject to explain his/her side.
- 7.11 After completion of investigation, the Whistle Blower will be informed of the major findings and action taken/contemplated to be taken against the subject.
- 7.12 In case the Whistle Blower is not satisfied with the findings of the Investigation or the action taken, he/she may approach the Chairman of the Audit Committee at the following address:

Chairman, Audit Committee

C/o Company Secretary

India Trade Promotion Organisation

Pragati Bhawan, Pragati Maidan

New Delhi-110 001

8. Protection

- 8.1 No unfair treatment will be meted out to a Whistle Blower by virtue of his/her having reported a Protected Disclosure under this Policy. The Company, as a policy, condemns any kind of discrimination, harassment, victimization or any other unfair employment practice being adopted against Whistle Blowers. Complete protection will, therefore, be given to Whistle Blowers against any unfair practice like retaliation, threat or intimidation of termination/suspension of service, disciplinary action, transfer, demotion, refusal of promotion, or the like including any direct or indirect use of authority to obstruct the Whistle Blower's right to continue to perform his/her duties/functions including making further Protected Disclosure. The Company will take steps to minimize difficulties, which the Whistle Blower may experience as a result of making the Protected Disclosure. Thus, if the Whistle Blower is required to give evidence in criminal or disciplinary proceedings, the Company will arrange for the Whistle Blower to receive advice about the procedure, etc.
- 8.2 The identity of the Whistle Blower shall be kept confidential to the extent possible and permitted under law. Whistle Blowers are cautioned that their identity may become known for reasons outside the control of the Whistle Officer(s)/Investigator(s)/Competent Authority.

8.3 Any other Employee assisting in the said investigation shall also be protected to the same extent as the Whistle Blower.

8.4 If any person is aggrieved by any action on the ground that he/she is being victimized due to the fact that he/she had filed a complaint or disclosure, he/she may file an application before the Chairman, Audit Committee seeking redress in the matter, wherein the Chairman, Audit Committee may give suitable directions to the concerned person or authority.

9. Decision

If an investigation leads the Competent Authority to conclude that an improper or unethical act has been committed, the Competent Authority shall recommend to the appropriate disciplinary authority to take appropriate disciplinary or corrective action. In case the Competent Authority also happens to be the appropriate disciplinary authority, it shall itself initiate appropriate disciplinary or corrective action.

10. Disqualifications

10.1 While it will be ensured that genuine Whistle Blowers are accorded complete protection from any kind of unfair treatment as herein set out, any abuse of this protection will amount to misconduct and will warrant disciplinary action.

10.2 Protection under this Policy would not mean protection from disciplinary action for making allegations which are found to be false or bogus or with mala-fide intention.

10.3 Whistle Blowers, who make Protected Disclosures which are subsequently found to be mala-fide, frivolous, baseless, malicious, or reported otherwise than in good faith, may be disqualified from reporting further Protected Disclosures under this Policy. Further, the Competent Authority/Audit Committee may take/recommend appropriate disciplinary action against such Whistle Blowers.

11. Reporting of the outcome of the Investigation to Whistle Blower

Outcome of the investigation by the Whistle Officer/Investigator and any disciplinary or corrective action initiated against the Subject would be informed to the Whistle Blower. If the Whistle Blower does not agree to the findings of the Whistle Officer/Investigator, he/she is permitted to

approach the Audit Committee of the Company for inviting its attention on the concern raised by him/her.

12. Review of functioning of the Mechanism by Audit Committee

Competent Authority(ies) will submit quarterly report of the cases investigated

during the quarter to the Audit Committee of Directors.

13. Retention of documents

All Protected Disclosures in writing or documented along with the results of investigation relating thereto shall be retained by the Company for a minimum period of seven years.

14. Discrepancy

In the case of any discrepancy between the provisions of this policy and the CVC

Guidelines, the CVC Guidelines will prevail.

15. Amendment

The Company reserves its right to amend or modify this Policy in whole or in part, at any time without assigning any reason whatsoever.

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Vigilance

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 16th June, 2014

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 3rd September, 2013 on the above subject, the undersigned is directed to enclose herewith a copy of **Procedure for handling of complaints under Public Interest Disclosure and Protection of Informers (PIDPI) Resolution to be followed by the Chief Vigilance Officers of the Ministries/Departments of the Government of India** who have been authorized as the Designated Authority to receive written complaint or disclosure on any allegation of corruption or misuse of office 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.

2. The CVOs in the Ministries or Department, either on the application of the complainant or on the basis of the information gathered, is of the opinion that either the complainant or the witnesses need protection, they shall take up the matter with the Central Vigilance Commission(CVC), of issuing appropriate directions to the authorities concerned.

3. It is requested to give wide publicity to the Procedure for handling of complaints under PIDPI Resolution by placing it along with the name and designation of the designated authorities on the website of Ministries as well as of the organizations under the Ministries. A copy of the PIDPI Resolution No. 89 dated 21st April, 2004 and Amendment Resolution No. 190 dated 29.8.2013 is also enclosed

Encl: As above.

Matan
16/6/14
(M.M. Maurya)

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

To,
CVOs in the Ministries/Departments of the Government of India.
(By name as per enclosed list)

Ms. SS

Procedure for handling of complaints under the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution dated 21.4.2004 to be followed by the designation authority (CVOs or Ministries/Departments).

1.	The 'Designated Authority' shall authorize an officer not below the level of Section Officer (SO) for receiving complaints under the PIDPI Resolution.
2.	All envelopes super-scribed with ' <i>Complaint under The Public Interest Disclosure</i> ' will be opened by the SO/In-charge, so authorized, in presence of the 'Designated Authority'.
3.	The identity of the complainant would be confirmed by the SO/In-charge by writing a letter to him/her. Sample of the letter is at Annexure-I.
4.	After the identity is confirmed, both, 'Designated Authority' and the SO/In-charge, will ensure that the identity of the complainant is removed from the body of the complaint and the dummy complaint given a number along with central registry diary number with which the original complaint can be traced back.
5.	The original complaint would be kept in a safe/almirah. The custody of the almirah will remain with the concerned Section Officer and at no time that complaint can be accessed without proper authority from the 'Designated Authority'.
6.	The dummy complaint so made would be submitted to the 'Designated Authority' who would take the decision whether the matter requires to be looked into further and report is to be called in the matter from any quarters. (<i>Separate files may be open for each complaint</i>)
7.	While considering the complaints the 'Designated Authority' would take no action on complaints relating to administrative matters like recruitment, promotion transfers and other related issues. However, in case of serious complaints of irregularity in these matters, the same could be brought to the notice of the Secretary/Head of the organization for taking appropriate action.
8.	In such cases where a decision has been taken to call for a report, a maximum time limit of 2 weeks may be given. In case no reply is received within two weeks, a reminder should be sent at the level of the "Designated Authority". If no reply is still received, the second reminder

	after 2 weeks should be sent at the level of the Secretary. If no reply is still received, the "Designated Authority" may call for an explanation and recommend administrative action for deliberate delay.
9.	On receipt of the report, the concerned SO/In-charge will put up the matter to the 'Designated Authority' who shall investigate into the complaint and prepare an investigation report within two weeks.
10.	The "Designated Authority" would submit the investigation report along with his recommendation to the Central Vigilance Commission for further direction.
11.	Meanwhile, the "Designated Authority" shall ensure that no punitive action is taken by any concerned Administrative authority against any person on perceived reasons/suspicion of being "whistle blower".
12.	Subsequent to the receipt of Commission's directions to undertake any disciplinary action based on such complaints, the CVO has to follow up and confirm compliance of further action by the DA and keep the Commission informed of delay, if any.
13.	The Section Officer/In-charge should maintain a separate list for the complaints received under the 'PIDPI Resolution' and enter the information in the computer system and monitor their progress periodically and put up the same to the 'Designated Authority' every 2 weeks.
14.	Wherever the complainant has alleged victimization/harassment the 'Designated Authority' should ensure that if the identity of the complainant somehow becomes known he/she should not be harassed/victimized by way of frequent transfers etc.
15.	In case a complainant seeks protection and reports that his life is in danger, the 'Designated Authority' would examine the same and send his recommendation to the CVC to take up the matter with the Nodal Officers of respective States/UTs appointed by the Ministry of Home Affairs/State Governments for the purpose of providing security cover to the whistle blowers.

भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY
भाग I—खण्ड 1
PART I—Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 89]

नई दिल्ली, बुधवार, अप्रैल 21, 2004/वैशाख 1, 1926
NEW DELHI, WEDNESDAY, APRIL 21, 2004/VAISHAKHA 1, 1926

कार्यिक, लोक-शिकायत तथा पेंशन मंत्रालय
(कार्यिक और प्रशिक्षण विभाग)

संकल्प

नई दिल्ली, 21 अप्रैल, 2004

सं.-371/12/2001-ए.पी.टी.-III.—जबकि सर्वोच्च न्यायालय ने श्री सत्येन्द्र दुबे की हत्या के संबंध में रिट याचिका (सी.) संख्या-339/2003 को सुनवाई करते समय यह इच्छा व्यक्त की कि उपयुक्त विधान के बचाए जाने तक "पदांतरों या भण्डाफोड़ों (विमल ब्लोअर्स)" से प्राप्त शिकायतों पर कार्रवाई किए जाने के लिए उपयुक्त संन व्यवस्था तैयार की जाए।

और जबकि विधि आयोग द्वारा तैयार किए गए लोकहित प्रकटीकरण और मुखभिर संरक्षण विधेयक, 2002 की जांच-पड़ताल चल रही है।

अतः अब, केन्द्र सरकार एतद्वारा निम्नलिखित संकल्प लेती है :—

1. केन्द्रीय सतर्कता आयोग को केन्द्रीय सरकार अथवा किसी केन्द्रीय अधिनियम के द्वारा अथवा इसके अंतर्गत स्थापित किन्हीं विभागों, केन्द्र सरकार के स्वामित्व वाली अथवा इसके द्वारा नियंत्रित सरकारी कम्पनियों, सोसाइटियों अथवा स्थानगत प्राधिकरणों के किसी कर्मचारी पर भ्रष्टाचार के किसी आरोप अथवा पद के दुरुपयोग के सम्बन्ध में लिखित शिकायतें प्राप्त करने अथवा प्रकटीकरण सम्बन्धी दस्तावेज प्राप्त करने के लिए एतद्वारा मनोनीत अधिकरण के रूप में प्राधिकृत किया जाता है। प्रकटीकरण अथवा शिकायत में यथासंभव सभी विवरण होंगे और इसमें समर्थक दस्तावेज अथवा अन्य सामग्री शामिल होगी।

2. मनोनीत अधिकरण यदि ऐसा उचित समझे तो वह प्रकटीकरण करने वाले व्यक्तियों से और जानकारी अथवा विवरण मांगता सकता है। यदि शिकायत बेवामी है तो मनोनीत अधिकरण इस मामले में कोई कार्रवाई नहीं करेगा।

3. शासकीय गृह अधिनियम, 1923 में विहित किसी बात के बावजूद भी संविधान के अनुच्छेद 33 के खण्ड (क) से (घ) में संदर्भित व्यक्तियों से भिन्न कोई लोक सेवक अथवा किसी गैर-सरकारी संगठन सहित कोई अन्य व्यक्ति मनोनीत अधिकरण को लिखित प्रकटीकरण भेज सकता है।

4. यदि शिकायत में शिकायतकर्ता का ज्वैर भी दिया गया है तो मनोनीत अधिकरण निम्नलिखित कदम उठाएगा :—

(i) मनोनीत अधिकरण शिकायतकर्ता से यह पता लगाएगा कि क्या यह बहो व्यक्ति है अथवा नहीं है जिसने शिकायत की है।

(ii) शिकायतकर्ता की पहचान उद्घाटित नहीं की जाएगी जब तक कि शिकायतकर्ता ने स्वयं शिकायत का ज्वैर सार्वजनिक न रूप दिया हो अथवा किसी अन्य न्यायालय अथवा प्राधिकारी को अपना पहचान नहीं बता दी हो।

- (iii) शिकायतकर्ता को पहचान गुप्त रखने के पश्चात् मनागंत अभिकरण प्रथमतः यह पता लगाने के लिए विवेकपूर्ण जांच-पड़ताल करेगा कि क्या इस शिकायत पर आगे कार्रवाई करने का कोई आधार बनाता है। इस प्रयोजन हेतु मनागंत अभिकरण एक समुचित तंत्र बनाएगा।
- (iv) शिकायत को विवेकपूर्ण जांच-पड़ताल करने के परिणामस्वरूप अथवा बिना जांच-पड़ताल के केवल शिकायत के आधार पर ही यदि मनागंत अभिकरण का यह मत होता है कि मामले को और जांच-पड़ताल करवाई जानी अपेक्षित है तो मनागंत अभिकरण सम्बन्धित संगठन अथवा कार्यालय के विभागाध्यक्ष से सरकारी तौर पर उनकी टिप्पणियाँ/अथवा उनके स्पष्टीकरण माँगेगा। ऐसा करते समय मनागंत अभिकरण मुखबिर को पहचान प्रकट नहीं करेगा और सम्बन्धित संगठन के अध्यक्ष को यह भी अनुरोध करेगा कि यदि उन्हें किसी कारणवश मुखबिर को पहचान का पता चल जाता है तो वे मुखबिर को पहचान गुप्त रखेंगे।
- (v) सम्बन्धित संगठन का ठहराव होने के बाद यदि मनागंत अभिकरण का यह मत होता है कि अन्वेषण से यह के दुरुपयोग अथवा भ्रष्टाचार के पुख्ता आरोपों का पता चलता है तो मनागंत अभिकरण सम्बन्धित सरकारी विभाग अथवा संगठन को उपयुक्त कार्रवाई करने को संस्तुति करेगा। इनमें अन्य बातों के साथ-साथ निम्नलिखित शामिल होगा :—
- (क) सम्बन्धित सरकारी कर्मचारी के विरुद्ध उपयुक्त कार्यवाहियाँ शुरू किया जाने।
- (ख) भ्रष्टकृत्य अथवा पद के दुरुपयोग जैसी भी स्थिति हो, के परिणामस्वरूप सरकार को हुई हानि को पूर्ति के लिए उपयुक्त प्रशासनिक कदम उठाना।
- (ग) मामले के तथ्यों और परिस्थितियों को देखते हुए यदि ऐसा न्यायसंगत हो तो उपयुक्त मामलों में आपराधिक कार्यवाहियाँ शुरू किए जाने के बारे में उपयुक्त प्राधिकारी/अभिप्रेत को सिफारिश करना।
- (घ) भविष्य में ऐसी घटनाओं को पुनरावृत्ति रोकने के लिए सुधारात्मक उपाय किए जाने की सिफारिश करना।
5. पूर्व जांच-पड़ताल करने अथवा सम्बन्धित संगठन से जानकारी प्राप्त करने के प्रयोजन से मनागंत अभिकरण को प्राप्त शिकायत के अनुक्रम में जांच-पड़ताल बंद पूरी करने में सभी प्रकार की सहायता प्रदान करने के लिए उपायसम्पन्न समझी जाने पर केन्द्रीय अन्वेषण ब्यूरो अथवा पुलिस अधिकारियों को सहायता देने के लिए प्राधिकृत किया जाएगा।
6. यदि कोई व्यक्ति किसी कार्रवाई से इस आधार पर व्यथित होता है कि उक्त दुरु तथ्यों के आधार पर पौड़ित किया जा रहा है कि उसने शिकायत दायर की है अथवा प्रकटीकरण किया है तो वह इस मामले के निवारण को प्रार्थना करते हुए मनागंत अभिकरण के समक्ष एक आवेदन दायर कर सकता है जो उपायसम्पन्न उपयुक्त समझी जाने वाली कार्रवाई करेगा। मनागंत अभिकरण सम्बन्धित सरकारी सेवक अथवा सरकारी प्राधिकारी को जैसी भी स्थिति हो, उपयुक्त निर्देश दे दे।
7. शिकायतकर्ता के आवेदन पर अथवा एकत्रित की गई जानकारी के आधार पर यदि मनागंत अभिकरण का यह मत होता है कि शिकायतकर्ता अगस्त गवाहों को दारुण दिष्ट जाने की आवश्यकता है तो मनागंत अभिकरण सम्बन्धित सरकारी प्राधिकारियों को उपयुक्त निर्देश जारी करेगा।
8. इस कार्य में प्रयुक्त तंत्र, मौजूदा कार्य तंत्र के अतिरिक्त होगा। तथापि, यदि शिकायत इस तंत्र के अन्तर्गत प्राप्त होती है तो पहचान को गुप्त रखा जाएगा।
9. यदि मनागंत अभिकरण शिकायत को अभिप्रेरित अथवा कष्टप्रद स्वरूप की पाता है तो मनागंत अभिकरण उपयुक्त कदम उठाने के लिए स्वतंत्र है।
10. मनागंत अभिकरण निम्नलिखित स्वरूप के प्रकटीकरण पर कार्रवाई अथवा उसकी जांच-पड़ताल नहीं करेगा :—
- (क) ऐसे किसी मामले जिसमें लोक सेवक जांच अधिनियम, 1850 के अन्तर्गत एक औपचारिक और सार्वजनिक जांच का आदेश दे दिया गया हो; अथवा
- (ख) ऐसा कोई मामला जिसे जांच आयोग अधिनियम, 1952 के तहत जांच के लिए भेजा गया है।
11. मनागंत अभिकरण के निर्देशों के विपरीत मुखबिर को पहचान उद्घाटित हो जाने पर मनागंत अभिकरण ऐसा प्रकटीकरण करने वाले किसी व्यक्ति अथवा अभिकरण के विरुद्ध मौजूदा विधियों के अनुसार उपयुक्त कार्रवाई शुरू किए जाने के लिए प्राधिकृत है।
12. इस कार्य हेतु सुविध तंत्र, संसद द्वारा इस विषय में कानून बनाए जाने तक लागू रहेगा।

श्रीमती मंसुलिका गौतम, अपर सचिव

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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कार्य, लोक-शिकायत एवं पेंशन मंत्रालय

(कार्यकारी प्रशिक्षण विभाग)

सूचना

नई दिल्ली, २९ अप्रैल, २००४

सं. ३७१/१२/२००२-ए.पी.सी.-III.— भारत के असाधारण राजपत्र भाग-1, खण्ड 1 में दिनांक २१ अप्रैल, २००४ को प्रकाशित भारत सरकार के संकल्प संख्या ८९ का अंशिक संशोधन करते हुए, उक्त संकल्प के प्रारंभिक पैरा तथा पैरा-२ में निम्नलिखित संशोधन किए जाते हैं :

(i) संकल्प के प्रारंभिक पैरा को निम्न प्रकार से प्रतिस्थापित किया जाता है :

“अर्थात् श्री सत्येंद्र दुबे की हत्या के सम्बन्ध में रिट पत्रिका (सी.) संख्या ५३९/२००३ को सुनवाई करते समय, ‘पर्दापारियों या भण्डारपोट्टों (विमल ब्लोअर्स)’ से प्राप्त शिकायतों पर कार्रवाई किए जाने के लिए उपयुक्त ढंग का प्रयत्न उठा”।

(ii) संकल्प के अंग्रेजी पाठ के पैरा २ में शब्द ‘designated’ (डेजिगनेटेड) को शब्द ‘designated’ (डेजिगनेटेड) से प्रतिस्थापित किया जाता है।

श्रीमती मंजुलिका गौतम, अपर सचिव

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 “designated” is substituted as “designated”.

Smt. MANJULIKA GAUTAM, Addl. Secy.

1396 GD/2004