

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" as modified by resolution of even No. dated 29th April,2004.

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 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:
 - The designated agency will ascertain from the complainant whether he was the person who made the complaint or not.
 - 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.
 - 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.
 - 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.

- 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 Organisation. There 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.
