

HMT LIMITED  
(Vigilance Department)

CVO/CHO/2007/115

19<sup>th</sup> July 2007

NOTE

Sub: Government of India's Resolution on public  
Interest Disclosure and Protection of Informer

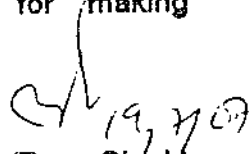
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Enclosed herewith please find copies of GOI Resolution No.371/12/2002-AVD-III dated 21.04.2004, CVC's Office Order No.33/5/2004 dated 17.05.2004 along with their enclosures on the above subject for your guidance and wide circulation.

As may be seen therein, following provisions have been made by the GOI in this regard:

1. CVC has been authorized as the Designated Agency to receive written complaint or disclosure on any allegation of corruption or misuse of office.
2. The disclosure or complaint should contain relevant particulars and should be accompanied by supporting documents/material.
3. While seeking comments from the CEO etc. on the complaint received, identity of complainant will be kept secret by the CVC.
4. The complaint should contain the name and address of the complainant either at the beginning or end of complaint or in an attached letter. The same should be addressed to the Secretary, Central Vigilance Commission, Satarkata Bhawan, INA, New Delhi.
5. The complaint should be put in a closed/secured envelope which should be superscribed "Complaint under the Public Interest Disclosure".

6. No cognizance will be taken of anonymous/pseudonymous complaints.
7. Whenever the CVC forwards the complaint received to the concerned CVO he will have the same investigated and then submit investigation report along with relevant documents to the CVC within 2 weeks.
8. In all such cases, CVO is required to ensure that the complainant is not victimized on account of being a "whistle blower".
9. If the CVC is of the opinion that either the complainant or informer needs protection, it shall issued appropriate directions to the concerned authorities.
10. If the complainant is victimized due to the fact that he had filed a complaint, he may file an application before the CVC seeking redress in the matter which may then give suitable directions to the concerned authority.
11. The CVC can take action against a complainant for making motivated/vexatious complaint.

  
(Prem Singh)  
Chief Vigilance Officer

Encl: As above

MDM/MDW/MD(I)/MD(CWL)/MD(BLH)/MD(PTL)/EDT  
GTM(FPA)/JGM(AM)/CAM

Cc: CMD : for kind information

No.004/VGL/26  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 17<sup>th</sup> May, 2004

**Office Order No. 33/5/2004**

**Subject:- Govt. of India Resolution on Public Interest Disclosures & Protection of Informer.**

The Government of India has authorised the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

2. A copy of the Public Notice issued by the Central Vigilance Commission with respect to the above mentioned Resolution is enclosed. All CVOs are further required to take the following actions with respect to the complaints forwarded by the Commission under this Resolution:

- (i) All the relevant papers/documents with respect to the matter raised in the complaint should be obtained by the CVO and investigation into the complaint should be commenced immediately. The investigation report should be submitted to the Commission within two weeks.
- (ii) The CVO is to ensure that no punitive action is taken by any concerned Administrative authority against any person on perceived reasons/suspicion of being "whistle blower."
- (iii) 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.
- (iv) Contents of this order may be brought to the notice of Secy./CEO/ CMD.

**All CVOs may note the above directions for compliance.**

Sd/-  
(Sujit Banerjee)  
Secretary

To

All Chief Vigilance Officers

## Central Vigilance Commission

### Press Release:

The Government of India has authorized the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

2. The jurisdiction of the Commission in this regard would be restricted to 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. **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.**

3. In this regard, the Commission, 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 in a closed / secured envelope.
- ii) The envelope should be addressed to Secretary, Central Vigilance Commission 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 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 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 Commission will not issue any acknowledgement and the whistle-blowers are advised not to enter into any further correspondence with the Commission in their own interest. The Commission 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 will get in touch with the complainant.

4. The Commission can also take action against complainants making motivated/vexatious complaints under this Resolution.

5. A copy of detailed notification is available on the web-site of the Commission <http://www.cvc.nic.in>.

**GOI Resolution on Public Interest Disclosure and Protection of Informer**

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**Issued in Public Interest by the Central Vigilance Commission, INA, Satarkta Bhawan, New Delhi.**

**Sd/-  
Secretary  
Central Vigilance Commission**

## **Important Features of the “Whistle-Blowers” Resolution**

- The CVC shall, as the Designated Agency, 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 under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government.
- The designated agency will ascertain the identity of the complainant; if the complainant is anonymous, it shall not take any action in the matter. • The identity of the complainant will not be revealed unless the complainant himself has made either the details of the complaint public or disclosed his identity to any other office or authority.
- While calling for further report/investigation, the Commission 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 a secret, if for any reason the head comes to know the identity.
- The Commission shall be authorised 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.
- If any person is aggrieved by any action on the ground that he is being victimised due to the fact that he had filed a complaint or disclosure, he may file an application before the Commission seeking redress in the matter, wherein the Commission may give suitable directions to the concerned person or the authority.
- If the Commission is of the opinion that either the complainant or the witnesses need protection, it shall issue appropriate directions to the concerned government authorities.
- In case the Commission finds the complaint to be motivated or vexatious, it shall be at liberty to take appropriate steps.
- The Commission shall not entertain or inquire into any disclosure in respect of which a formal and public inquiry has been ordered under the Public Servants Inquiries Act, 1850, or a matter that has been referred for inquiry under the Commissions of Inquiry Act, 1952.
- In the event of the identity of the informant being disclosed in spite of the Commission's directions to the contrary, it is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.