GAIL (INDIA) LIMITED
CORPORATE HR DEPARTMENT

CIRCULAR

No.CO/HR/Pol/P-228

2nd September 2014

Subject: Review of Whistle Blower Policy

A. This is in furtherance to Corporate HR Circular No.CO/HR/Pol/P-228, dated 29.9.2011 vide which with a view to ensure greater transparency in all aspects of GAIL's functioning it was notified that the 'Public Interest Disclosure and Protection of Informer (PIDPI)' Resolution No. 89 of Government of India will be followed as 'Whistle Blower Policy' in GAIL.

B. Corporate HR Department is in receipt of DoPT, Ministry of Personnel, Public Grievances and Pensions, O.M. No. 371/4/2013-AVD-III dated 16.6.2014 regarding 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 for information and compliance. Copy of DoPT O.M. No. 371/4/2013-AVD-III dated 16.6.2014, contents of which are self-explanatory is placed as **Annexure-I** for ready reference.

C. This issues with the approval of Competent Authority.

D. Hindi Version Follows.

(Rajeev Singhal)
ED (Law &HR)

Distribution

1. CMD
2. Dir.(Mktg.)/ Dir.(BD)/ Dir.(Fin.)/ Dir.(HR)/ Dir.(Projs)/ CVO
3. HODs at Corporate Office
4. ED (IA)
5. GM (CS)
6. OICs/ ZOICs
7. HR and F&A Incharges of Work Centres/ Zonal Offices
8. All employees (*through e-mail*)

Annexure-I

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

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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.

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)

-----2/-

Copy for information to:

1. All the Ministries/ Departments of the Government of India.
2. The Cabinet Secretariat, New Delhi.
3. The Secretary, Central Vigilance Commission, Satarkata Bhavan, New Delhi. It is requested that the content of this OM may be uploaded on the website of the Commission and wide publicity may be given. The CVOs of the Ministries/Departments may also be addressed by the Commission.
4. PS to Hon'ble MOS(PP), PPS to Secretary(P)/EO&AS/AS(S&V), DOPT.
5. The CVO, Department of Personnel and Training, New Delhi.
6. NIC, DoP&T for uploading on DoP&T website.
7. Order folder/Guard file.

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 *'Complaint under The Public Interest Disclosure'* 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. *(Separate files may be open for each complaint)*
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 investigated into the complaint and prepare an investigation report within two weeks.
10.	The "Designated Authority" would submit the investigation report alongwith 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.

ANNEXURE-I

CONFIDENTIAL
Speed post/Registered post

F. No. Conf./ /...
Government of India
Ministry of .....

.....
New Delhi the 2014

To,

Sir,

Please refer to your complaint dated ..... received in this Ministry/Department on ..... under "Public Interest Disclosure & Protection of Informer Resolution (PIDPI)".

2. As per policy, a complainant is required to confirm that he/she has actually sent the said complaint to the Ministry/Department. You are, therefore, requested to confirm within 30 days of receipt of this letter, that you have sent the above-mentioned complaint.

3. You are also requested to furnish a certificate to the Ministry/Department as per format enclosed that you have not made similar/identical allegations of corruption/misuse of' office to any other authorities to qualify as a 'Whistle Blower' complainant.

4. The reply may be addressed to the undersigned by name.

Yours faithfully.

Under Secretary

Encl: Certificate.

CERTIFICATE

It is certified that I have not made similar/identical allegation of corruption/misuse of office to any other authorities to qualify as a Whistle Blower complainant.

Signature .....

Name of the Complainant .....

Address .....

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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भाग I—खण्ड 1
PART I—Section 1
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PUBLISHED BY AUTHORITY

सं. 89] नई दिल्ली, बुधवार, अप्रैल 21, 2004/वैशाख 1, 1926
No. 89] NEW DELHI, WEDNESDAY, APRIL 21, 2004/VAISHAKHA 1, 1926

कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

संकल्प

नई दिल्ली, 21 अप्रैल, 2004

सं.-371/12/2002-ए.वी.डी.-III.—जबकि सर्वोच्च न्यायालय ने श्री सत्येन्द्र दुबे की हत्या के संबंध में रिट याचिका (सी.) संख्या-539/2003 की सुनवाई करते समय यह इच्छा व्यक्त की कि उपयुक्त विधान के बनाए जाने तक "पर्दाफाशों या भण्डाफोड़ों (विसल ब्लोअर्स)" से प्राप्त शिकायतों पर कार्रवाई किए जाने के लिए उपयुक्त तंत्र व्यवस्था तैयार की जाए।

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

अत: अब, केन्द्र सरकार एतद्द्वारा निम्नलिखित संकल्प लेती है :—

1. केन्द्रीय सतर्कता आयोग को केन्द्रीय सरकार अथवा किसी केन्द्रीय अधिनियम के द्वारा अथवा इसके अंतर्गत स्थापित किन्हीं निगमों, केन्द्र सरकार के स्वामित्व वाली अथवा इसके द्वारा नियंत्रित सरकारी कम्पनियों, सोसाइटियों अथवा स्थानीय 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 एतद्द्वारा मनोनीत अभिकरण 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 अभिकरण यदि ऐसा उचित समझे तो वह प्रकटीकरण करने वाले व्यक्तियों से और जानकारी अथवा विवरण मंगवा सकता है। यदि शिकायत बेनामी है तो मनोनीत अभिकरण इस मामले में कोई कार्रवाई नहीं करेगा।

3. शासकीय गुप्त 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 अभिकरण को लिखित प्रकटीकरण भेज सकता है।

4. यदि शिकायत में शिकायतकर्त्ता का ब्यौरा भी दिया गया है तो मनोनीत अभिकरण निम्नलिखित कदम उठाएगा :—

(i) मनोनीत अभिकरण शिकायतकर्त्ता से यह पता लगाएगा कि क्या यह वही व्यक्ति है अथवा नहीं है जिसने शिकायत की है।

(ii) शिकायतकर्त्ता की पहचान उद्घाटित नहीं की जाएगी जब तक कि शिकायतकर्त्ता ने स्वयं शिकायत का ब्यौरा सार्वजनिक न कर दिया हो अथवा किसी अन्य कार्यालय अथवा प्राधिकारी को अपनी पहचान नहीं बता दी हो।

(iii) शिकायतकर्त्ता की पहचान गुप्त रखने के पश्चात् मनोनीत अभिकरण प्रथमत: यह पता लगाने के लिए विवेकपूर्ण जांच-पड़ताल करेगा कि क्या इस शिकायत पर आगे कार्रवाई करने का कोई आधार बनता है। इस प्रयोजन हेतु मनोनीत अभिकरण एक समुचित तंत्र बनाएगा।

(iv) शिकायत की विवेकपूर्ण जांच-पड़ताल करने के परिणामस्वरूप अथवा बिना जांच-पड़ताल के केवल शिकायत के आधार पर ही यदि मनोनीत अभिकरण का यह मत होता है कि मामले की और जांच-पड़ताल करवाई जानी अपेक्षित है तो मनोनीत अभिकरण सम्बन्धित संगठन अथवा कार्यालय के विभागाध्यक्ष से सरकारी तौर पर उनकी टिप्पणियां/अथवा उनके स्पष्टीकरण मांगेगा। ऐसा करते समय मनोनीत अभिकरण मुखबिर की पहचान प्रकट नहीं करेगा और सम्बन्धित संगठन के अध्यक्ष को यह भी अनुरोध करेगा कि यदि उन्हें किसी कारणवश मुखबिर की पहचान का पता चल जाता है तो वे मुखबिर की पहचान गुप्त रखेंगे।

(v) सम्बन्धित संगठन का उत्तर प्राप्त होने के बाद यदि मनोनीत अभिकरण का यह मत होता है कि अन्वेषण से पद के दुरुपयोग अथवा भ्रष्टाचार के पुख्ता आरोपों का पता चलता है तो मनोनीत अभिकरण सम्बन्धित सरकारी विभाग अथवा संगठन को उपयुक्त कार्रवाई करने की संस्तुति करेगा। इनमें अन्य बातों के साथ-साथ निम्नलिखित शामिल होगा :—

(क) सम्बन्धित सरकारी कर्मचारी के विरुद्ध उपयुक्त कार्यवाहियां शुरू किया जाना।

(ख) भ्रष्टकृत्य अथवा पद के दुरुपयोग जैसी भी स्थिति हो, के परिणामस्वरूप सरकार को हुई हानि की 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 कार्यवाहियां शुरू किए जाने के बारे में उपयुक्त प्राधिकारी/अभिकरण को सिफारिश करना।

(घ) भविष्य में ऐसी घटनाओं की पुनरावृत्ति रोकने के लिए सुधारात्मक उपाय किए जाने की सिफारिश करना।

5. पूर्ण जांच-पड़ताल करने अथवा सम्बन्धित संगठन से जानकारी प्राप्त करने के प्रयोजन से मनोनीत अभिकरण को प्राप्त शिकायत के अनुक्रम में जांच-पड़ताल को पूरी करने में सभी प्रकार की सहायता प्रदान करने के लिए यथावश्यक समझे 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 उसे इस तथ्य के आधार पर पीड़ित किया जा रहा है कि उसने शिकायत दायर की है अथवा प्रकटीकरण किया है तो वह इस मामले के निवारण की प्रार्थना करते हुए मनोनीत अभिकरण के समक्ष एक आवेदन दायर कर सकता है जो यथावश्यक उपयुक्त समझी जाने वाली कार्रवाई करेगा। मनोनीत अभिकरण सम्बन्धित सरकारी सेवक अथवा सरकारी प्राधिकारी को जैसी भी स्थिति हो, उपयुक्त निदेश दे दे।

7. शिकायतकर्त्ता के आवेदन पर अथवा एकत्रित की गई जानकारी के आधार पर यदि मनोनीत अभिकरण का यह मत होता है कि शिकायतकर्त्ता अथवा गवाहों को संरक्षण दिए जाने की आवश्यकता है तो मनोनीत 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 मनोनीत अभिकरण शिकायत को अभिप्रेरित अथवा कष्टप्रद स्वरूप की पाता है तो मनोनीत अभिकरण उपयुक्त कदम उठाने के लिए स्वतंत्र है।

10. मनोनीत 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. मनोनीत अभिकरण के निदेशों के विपरीत मुखबिर की पहचान उद्घाटित हो जाने पर मनोनीत अभिकरण ऐसा प्रकटीकरण करने वाले किसी व्यक्ति अथवा अभिकरण के विरुद्ध मौजूदा विनियमों के अनुसार उपयुक्त कार्रवाई शुरू किए जाने के लिए प्राधिकृत है।

12. इस कार्य हेतु सृजित तंत्र, संसद द्वारा इस विषय में कानून बनाए जाने तक लागू रहेगा।

श्रीमती मंजुलिका 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 designateed 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 reslut 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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रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

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

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No. 98] NEW DELHI, THURSDAY, APRIL 29, 2004/VAISAKHA 9, 1926

कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

शुद्धिपत्र

नई दिल्ली, 29 अप्रैल, 2004

सं. 371/12/2002-ए.वी.डी.-III.—भारत के असाधारण राजपत्र भाग-I, खण्ड 1 में दिनांक 21 अप्रैल, 2004 को प्रकाशित भारत सरकार के संकल्प संख्या 89 का आंशिक संशोधन करते हुए, उक्त संकल्प के प्रारंभिक पैरा तथा पैरा-2 में निम्नलिखित संशोधन किए जाते हैं :

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

"जबकि श्री सत्येन्द्र दुबे की हत्या के सम्बन्ध में रिट याचिका (सी.) संख्या 539/2003 की सुनवाई करते समय, 'पर्दाफाशों या भण्डाफोड़ों (विसल ब्लोअर्स)' से प्राप्त शिकायतों पर कार्रवाई किए जाने के लिए उपयुक्त तंत्र का प्रश्न उठा"।

(ii) संकल्प के अंग्रेजी पाठ के पैरा 2 में शब्द 'designateed' (डेजिगनेटीड) को शब्द 'designated' (डेजिगनेटिड) 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 "designateed" is substituted as "designated".

Smt. MANJULIKA GAUTAM, Addl. Secy.

1396 GI/2004

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भारत का राजपत्र
The Gazette of India

असाधारण
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सं. 190] नई दिल्ली, बृहस्पतिवार, अगस्त 29, 2013/भाद्र 7, 1935
No. 190] NEW DELHI, THURSDAY, AUGUST 29, 2013/BHADRA 7, 1935

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

संकल्प

नई दिल्ली, 14 अगस्त, 2013

सं. 371/4/2013/एवीडी-III.—भारत के असाधारण राजपत्र, भाग I, खण्ड 1 में प्रकाशित लोकहित प्रकटन तथा मुखबिरों की सुरक्षा के अंतर्गत शिकायत प्रबंधन हेतु केन्द्रीय सतर्कता आयोग (सीवीसी) को मनोनीत अभिकरण के रूप में प्राधिकृत करने वाले, इस मंत्रालय के संकल्प संख्या 371/12/2002/एवीडी-III दिनांक 21 अप्रैल, 2004 में निम्नलिखित संशोधन किए जाते हैं, अर्थात्:—

उक्त संकल्प में,—

(i) पैरा 2, 3, 4, 5, 6, 8, 9, 10 एवं 11 शब्द "मनोनीत अभिकरण" जहां कहीं भी प्रयोग में आए हों, को क्रमशः "मनोनीत अभिकरण अथवा मनोनीत प्राधिकरण" शब्दों से प्रतिस्थापित किया जाएगा;

(ii) पैरा 1 में शब्द "प्रकटीकरण अथवा शिकायत में यथासंभव सभी विवरण होंगे और इसमें समर्थक दस्तावेज अथवा अन्य सामग्री शामिल होगी" का लोप किया जाएगा;

(iii) पैरा 1 के बाद निम्नलिखित पैरा जोड़े जाएंगे, अर्थात्:—

"1क. भारत सरकार के मंत्रालय अथवा विभागों के मुख्य सतर्कता अधिकारियों को, उस मंत्रालय या विभाग, किसी केन्द्रीय अधिनियम के द्वारा या इसके अंतर्गत स्थापित किसी निगम अथवा केन्द्र सरकार के स्वामित्व या नियंत्रणाधीन सरकारी कंपनियों, संस्थाओं अथवा स्थानीय प्राधिकरणों जो उस मंत्रालय या विभाग के अधिकार क्षेत्र में आते हों, के किसी कर्मचारी पर भ्रष्टाचार अथवा पद के दुरुपयोग के किसी आरोप के संबंध में लिखित शिकायत या प्रकटन संबंधी शिकायत प्राप्त करने के लिए मनोनीत प्राधिकारी के रूप में भी प्राधिकृत किया गया है।

1ख : प्रकटन या शिकायत में जितना संभव हो सम्पूर्ण विवरण समाहित होगा एवं इसके साथ समर्थित दस्तावेज या अन्य सामग्री होगी।"

(iv) पैरा 7 के बाद, निम्नलिखित पैरा जोड़ा जाएगा, अर्थात्:—

"7क. या तो शिकायतकर्ता के आवेदन पर या संग्रहित सूचना के आधार पर, यदि मनोनीत प्राधिकारी का मत हो कि शिकायतकर्ता या गवाह को संरक्षण की आवश्यकता है तो मनोनीत प्राधिकारी, संबंधित सरकारी प्राधिकारियों को समुचित दिशानिर्देश जारी करने के लिए इस मामले को केन्द्रीय सतर्कता आयोग के साथ उठाएगा।"

(v) पैरा 11 के बाद, निम्नलिखित पैरा जोड़ा जाएगा, अर्थात्:—

"11क. केन्द्रीय सतर्कता आयोग (सीवीसी) मनोनीत प्राधिकारी को प्राप्त शिकायतों का पर्यवेक्षण एवं निगरानी करेगा।"

दीप्ति उमाशंकर, संयुक्त सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

RESOLUTION

New Delhi, the 14th August, 2013.

No.371/4/2013-AVD-III – In this Ministry's Resolution No.371/12/2002-AVD-III dated 21st April, 2004, published in the Gazette of India, Extraordinary, Part I, Section 1, authorising the Central Vigilance Commission (CVC) as the Designated Agency for handling of complaints under the Public Interest Disclosure and Protection of Informers, the following amendments are hereby made, namely:-

In the said Resolution,-

(i) in paragraphs 2, 3, 4, 5, 6, 8, 9, 10 and 11, for the words "the designated agency" wherever they occur, the words "the designated agency or the designated authority" shall respectively be substituted;

(ii) in paragraph 1, the words "The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other material." shall be omitted;

(iii) after paragraph 1, the following paragraphs shall be inserted, namely:-

"1A. The Chief Vigilance Officers of the Ministries or Departments of the Government of India are also authorised as the designated authority to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established 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.

1B. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other materials.";

(iv) after paragraph 7, the following paragraph shall be inserted, namely:-

"7A. 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 take up the matter with the Central Vigilance Commission, for issuing appropriate directions to the Government authorities concerned.";

(v) after paragraph 11, the following paragraph shall be inserted, namely:-

"11A The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.".

DEEPTI UMASHANKAR, Jt. Secy.

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GAIL (INDIA) LIMITED
CORPORATE HR DEPARTMENT

CIRCULAR

No.CO/HR/Pol/P-228 29th September 2011

Subject: Whistle Blower Policy

A. This is in furtherance to IOM No. ND/GAIL/VIG/CIR-11/04/1589, dated 13.07.2004 of Corporate Vigilance Department forwarding therewith letter No.C-1309/3/04-vig., dated 19.5.2004 of Ministry of Petroleum and Natural Gas (MoP&NG) on Government of India Resolution No.89 published on 21.4.2004, authorizing Central Vigilance Commission (CVC) to inquire into the complaints from "Whistle Blowers" and take requisite action. The aforesaid IOM was circulated to all HoDs/EDs/GMs at Corporate Office and OICs at Work Centres for information and circulation amongst all employees in their Office/Work Centres.

B. With a view to ensure greater transparency in all aspects of GAIL's functioning, the 'Public Interest Disclosure and Protection of Informer (PIDPI)' Resolution No. 89 of Government of India will be followed as 'Whistle Blower Policy' in GAIL which is reproduced below for ready reference:

1. The Central Vigilance Commission (CVC) is hereby authorized, as the Designated Agency, to receive written complaints or disclosures 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 Government. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting 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 organization, 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 inquires to ascertain if there is any basis of proceeding further with the complaint. For this purpose, the designated agency shall devise 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 organization 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 organization to keep the identity of the informant secret, if for any reason, the concern Head comes to know the identity.

(v) After obtaining the response of the concerned organization, 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 organization, 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.

C. Further, Whistle Blowers shall be provided direct access to the Chairman of the Audit Committee in exceptional cases. The Chairman of the Audit Committee shall follow the procedure as adopted by CVC in disposing the complaints received.

D. Corporate Vigilance Department will submit Quarterly reports of such complaints received for putting up the same to Audit Committee and an Annual Affirmation on protection of Whistle Blowers shall form part of the Corporate Governance Report, attached to the Annual Report of the Company.

E. This issues with the approval of Competent Authority.

(Rajeev Singhal)
General Manager (HR – ER & Policy)

Distribution

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2. Dir.(Projs)/ Dir.(HR)/ Dir.(Mktg.)/ Dir.(BD)/ Dir.(Fin.)/ CVO
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