



**MOIL LIMITED**  
(A Government of India Enterprise)

# VIGILANCE VANI

MONTHLY NEWS LETTER OF VIGILANCE MOIL

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## Special Edition on PIDPI Resolution, 2004.

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### REVIEW OF VIGILANCE BY BOARD

Vigilance review was done by the MOIL Board on 4<sup>th</sup> August'2023.

Brief presentation to the Board about the Vigilance activities in MOIL was done by Shri Pradeep Kamle, CVO/MOIL covering following areas:

- Details of complaints received and handled in calendar year 2022 and 1st & 2nd quarter of 2023.
- Details of inspections, scrutiny of files & reports and systemic improvement.
- Irregularities noticed during investigation/inspections.
- Action taken as per discussion in last Board meeting.
- Action taken by Management on Vigilance advisories.
- Management Audit of Vigilance Unit (MAVU) audit of MOIL.
- Updation of Manuals.
- Status of chargesheet issued on Vigilance recommendations.  
Task in Hand of Vigilance Department

## PIDPI - PUBLIC INTEREST DISCLOSURE AND PROTECTION OF INFORMERS RESOLUTION, 2004

### GENESIS OF PIDPI:

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 whistle blowers till a law is enacted. Pursuant to that, the Government of India vide Gazette Notification No. 371/12/2002-AVS-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 designated powers to the Commission to act on complaints from whistle blowers.

Pursuant to the PIDPI Resolution, 2004, the Commission vide Office Order No. 33/5/2004 dated 17.05.2004 issued guidelines and Public Notice on the procedure to be followed for filling whistle-blower complaints under the PIDPI Resolution, 2004.

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 amendments have the following provisions :

Monthly News Letter "Vigilance Vani" are available on MOIL Website under Vigilance tab 'e-publishing'. Details of Systemic Improvement are available on MOIL intranet under Knowledge sharing Tab-Vigilance.

- Para 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 an employee of that Ministry or Department or 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 of the Department.
- Para 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.
- Para 11A – The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.

### **INTRODUCTION:**

Citizen can lodge a complaint or provide information in the form of PIDPI without being worried of any harassment. The identity of the complainant and / or informer is kept secret.

Resolution ensures that harassment of any kind should not happen to the complainant/ informer.

### **PIDPI COMPLAINT MAY BE FILED AGAINST THE EMPLOYEES OF:**

- Central Government,
- Central Public Sector Enterprises,
- Public Sector Banks,
- Corporations Established by or under any Central Act and
- Government companies, societies or local authorities owned or controlled by the Central Government.

### **WHERE TO COMPLAIN?**

Complaint may be addressed to: **The Secretary, Central Vigilance Commission, Satarkta Bhavan, Block – A, GPO Complex, INA, New Delhi – 110 023.**

### **HOW TO COMPLAIN UNDER PIDPI?**

- The Complaint should be in a closed / secured envelope.
- The envelope should be super-scribed as “PIDPI” or “Complaint under the Public Interest Disclosure”.
- The complainant should mention his/her name and address in the beginning or end of complaint or in attached letter.
- The name and address of the complainant should not be mentioned on the envelope.
- Complaints should be sent via POST only.
- Complaints received through emails, Complaint Management Portal of CVC or any other electronic medium will not be entertained.

- The text of the complaint should be drafted so as not to give any details or clue of the identity of the complainant.
- The details or content of the complaint should be specific and verifiable.
- Complainant can also attach supporting documents, if available.
- Sender's address will not be insisted upon by Department of Post in case of registered posts if envelope is superscribed with "Complaint under the Public Interest Disclosure" or "PIDPI complaint".

### **THINGS TO BE AVOIDED:**

- Anonymous / pseudonymous complaints should not be sent.
- Generic content in complaint should be avoided. It should be specific to the incident(s).  
Example of generic complaint (to be avoided):
  - ❖ "Loot of crores of rupees taking place in ABC department",
  - ❖ "Procedures are violated in ABC section".
- Complaint should not be grievance redressal.
- Complainant should not file same complaint with any other agency to avoid disclosure of his/her identification.
- The complaint should not be motivated or vexatious with intention to harass anyone.
- Complaint under PIDPI cannot be lodged against the employees of
  - ❖ State Governments.
  - ❖ Corporations established by State Governments.

### **PROCEDURE FOR HANDLING COMPLAINTS UNDER PIDPI:**

- Complaints received under PIDPI Resolution are opened in the Confidential Section and separate file for each complaint is created after concealing the name and address of the complainant.
- The complaints which have been addressed to other / several authorities are not treated as complaint under PIDPI Resolution and are forwarded by the Confidential Section to the section concerned of the Commission for taking necessary action.
- Anonymous and Pseudonymous complaints received under PIDPI Resolution are also sent directly to the section concerned of the Commission for taking necessary action under complaint handling policy of the commission.
- In respect of those complaints which are considered fit for processing under PIDPI Resolution, a letter is sent to the complainant to obtain:
  - a. Confirmation as to whether he / she has made the complaint.
  - b. A certificate that he / she has not made similar / identical allegation of corruption / misuse of office to any other authorities to qualify as a Whistle Blower Complainant.
  - c. Prescribed time limit for receiving the confirmation and the certificate from the Complainant is 30 days from the date of receipt of Commission's letter by the complainant.
  - d. In case of no response within the prescribed time limit, a reminder is issued, giving additional two weeks' time to the complainant for sending confirmation and the certificate to the Commission.
  - e. If there is still no response from the complainant, the complaint is sent to the Branch concerned of the Commission for necessary action under Complaint Handling Policy of the Commission.

- After receiving necessary confirmation along with the certificate from the complainant, the complaint is placed before the Screening Committee for decision.
- The Screening Committee is headed by the Secretary with Additional Secretaries of the Commission as its members. The Screening Committee examines all the complaints and recommends complaints for Investigation and Report (I & R) / Necessary Action (NA) / Filing.
- Screening Committee refers the complaint to the concerned Branch for further action. Complaints recommended for investigation & report are sent to the concerned Branch for further action after approval of the Commission. The Commission has prescribed a period of 12 weeks from the date of receipt of reference of the commission for submitting report to it as per order no. 12/09/18 dated 28.09.2018.

### **PROTECTION TO WHISTLE BLOWERS:**

According to the PIDPI Resolution, following provisions have been made for Protection of Whistle Blowers:

- Clause 6 – 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 designated agency/designated Authority (CVC) seeking redress in the matter, who shall take such action as deemed fit. The designated agency/ designated Authority may give suitable directions to the concerned public servant or the public authority as the case may be.
- Clause 7 – Either on the application of the complainant, or on the basis of the information gathered, if the designated agency / designated authority is of the opinion that either the complainant or the witnesses need protection, the designated agency/designated authority shall issue appropriate directions to the concerned Government authorities.
- Clause 11 – In the event of the identity of the informant being disclosed in spite of the designated agency's / designated authority's directions on the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.
- CVC, after receipt of representation(s) from Whistle-Blowers about threat to their life, takes up the matter with the Ministry of Home Affairs, the Nodal Agency, to undertake the responsibility of providing security cover to the genuine Whistle- Blowers. On the advice of the Ministry of Home Affairs, State Governments / UTs have appointed Nodal Officers and details of such officers nominated by State Governments are furnished to the commission from time to time by the Ministry of Home Affairs.
- 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.

### **VIGILANCE DEPARTMENT, MOIL LIMITED**

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