



OFFICE ORDER

PFRDA/130/HR/130

Date: 15th December, 2021

PENSION FUND REGULATORY AND DEVELOPMENT AUTHORITY WHISTLE BLOWER POLICY

1. OBJECTIVE

The objective of the PFRDA Whistle Blower Policy (the Policy) is to ensure that the employees of the Authority maintain high ethical, moral and professional standards in the course of their work and to build a strong culture of corporate governance within the Authority. The Policy provides an internal mechanism for the employees of the Authority, to report, without any fear of retribution, acts of corruption or misuse of office by any employee.

The provisions of the Government of India Whistle Blower Resolution (GoI Resolution) continues to be in force and this Policy does not replace or supersede the GoI Resolution but is an additional channel provided to the employees of the Authority to expose any corrupt practice or misuse of office by any employee.

2. DEFINITIONS

The definition of some of the key terms used in the policy are given below:

Appropriate Departmental Action

Action that can be taken against an employee under the provisions of the PFRDA (Employees Service) Regulations, 2015 or other instructions issued by the Authority from time to time.

Authority

Authority means the Pension Fund Regulatory and Development Authority established under sub-section (1) of section 3 of PFRDA Act, 2013.

Chief Vigilance Officer

The officer of the Authority, who is designated as the Chief Vigilance Officer (CVO) of the Authority or such other person who is authorized to carry out the duties of the CVO.

Designated Officer

The officer designated by the Authority on case to case basis to enquire into a complaint and submit a report to the CVO. The Designated Officer can take the assistance of any other officers, as he deems necessary, while enquiring into the complaint and submitting the report.

Disclosure (Complaint)

A communication either by letter or e-mail made in good faith by the Whistle Blower to the CVO about corrupt practices or misuse of office by an employee of the Authority.

A disclosure made under this policy should be specific and verifiable.

Whistle Blower

An employee of the Authority, who makes a disclosure under the policy to the Chief Vigilance Officer (CVO) of the Authority. The Whistle Blower's role is to report to the CVO acts of corruption or misuse of office by any employee of the Authority.

The Whistle Blower are not investigators nor can they decide the appropriate corrective or remedial action, if any, that is to be taken by the Authority.

3. EXCLUSIONS

Decisions taken by the committees set up by the Authority and policy decisions of the Authority shall be outside the purview of this policy. No complaint relating to administrative matters like promotion, transfer, posting, recording of PAR, etc. will be entertained under this policy. Further, a complaint which is anonymous or

pseudonymous will also not be entertained under the policy.

4. IMPORTANT FEATURES OF THE POLICY:

- Written complaints or disclosure against any employee of the Authority, who is indulging/ has indulged in corrupt practices or misuse of office shall be lodged by the whistle blower with the CVO.
- The CVO/ Vigilance Department will ascertain the identity of the whistle blower. If the complaint is not anonymous or pseudonymous and is related to a disclosure which can be entertained under the policy, the CVO will forward the complaint to a Designated Officer to investigate the complaint and submit a report. In deciding whether a complaint falls under the scope of the policy or not, the decision of the CVO will be final and binding.
- Any enquiry/ investigation conducted against any official under the policy shall not in itself be construed as an act of accusation and shall be carried out as a neutral fact finding process, without presumption of any guilt.
- While calling for a report/ investigation, the CVO will not reveal the identity of the whistle blower to the designated officer.
- The CVO may, if deemed necessary, request the police authorities to render necessary assistance to complete the investigation pursuant to the complaint received.
- If the CVO is of the opinion that the whistle blower needs protection, the CVO can make a request to the Authority.
- In case the allegations made in the disclosure are substantiated then based on the recommendation of CVO, formal inquiry and appropriate action as per the provisions under Chapter VI of PFRDA (Employees Service) Regulation, 2015 will be initiated against the employee concerned on whose part the lapses are observed.
- Any departmental action taken against the employee as stated above will be in addition to any other action or prosecution which may be initiated against the said employee under any statute or law in force.
- In case the complaint is found to be motivated, malicious or vexatious, the CVO can recommend to the Authority to take appropriate action against the Whistle Blower

under PFRDA (Employee Service), Regulations, 2015.

- The CVO shall not entertain or inquire into any disclosure made under this policy, if the Whistle Blower has already made a disclosure in the same matter under the Whistle Blower Resolution of the Government of India, as amended from time to time, or the subject matter is already under investigation by another external authority.

5. PROCEDURE FOR MAKING A DISCLOSURE OR COMPLAINT

Any complaint made under the Policy, should comply with the following aspects:

- The complaint should be in writing and submitted in a closed/ secured envelope to the CVO of the Authority, either in person or by post. The complainant should give his/ her name, department, designation and office address in the beginning or at the end of the complaint or in an attached letter. If the complaint is sent by e-mail, the e-mail should be sent to the e- mail ID **whistleblower@pfrda.org.in** from his/her official e-mail ID with the superscription in the subject box of the e-mail as "Complaint under the PFRDA Whistle Blower Policy".
- The envelope containing the written complaint, if sent by post, should be addressed to the Chief Vigilance Officer by name and superscribed "Complaint under the PFRDA Whistle Blower Policy". If the envelope is not properly superscribed and closed, it will not be possible for the CVO to protect the Whistle Blower under the policy and the complaint will be dealt with as per the normal complaint handling policy of the Vigilance Department.
- The CVO will not entertain under this policy, anonymous/ pseudonymous complaints or complaints not conforming to the policy.
- The text of the complaint should be carefully drafted by the whistle blower, so as, not to give any details or clue as to the identity of the complainant. The complaint should be specific and verifiable and all the required details are to be mentioned by the Whistle Blower.
- On receipt of the complaint, the Vigilance Department / CVO will seek confirmation from the Whistle Blower with regard to the complaint and the Whistle Blower will also be advised not to enter into any further correspondence with the CVO in the matter thereafter. The CVO will, subject to the facts of the case being verifiable, take necessary action and will not enter into any correspondence with

the Whistle Blower, except for seeking further information or clarification that is required in connection with the disclosure.

6. PROTECTION TO THE WHISTLE BLOWER

- (i) The Authority will protect the confidentiality of the complainant and his/her name/ identity will not be disclosed except as statutorily required under law. However, such protection will not be available to the whistle blower, if the whistle blower himself has made either the details of the complaint public or disclosed his identity to any other officer or authority.
- (ii) No adverse penal action shall be taken or recommended against the employee for having made a disclosure under the policy, if done in good faith.
- (iii) A whistle blower aggrieved on the ground that he/she is being victimized due to the fact that he/she had filed a complaint or disclosure, may file an application before the CVO seeking redressal in the matter. The CVO, on being satisfied that the Whistle Blower is being/ has been victimized for having made a disclosure may recommend to the Authority to take necessary action against the official(s) who are victimizing / have victimized the whistle blower.
- (iv) Protection to a Whistle blower as provided for in this policy shall not mean protection from departmental action arising out of false, vexatious, motivated or bogus disclosure made under the policy with mala fide intention.
- (v) This policy does not protect a whistle blower from an adverse action taken by the Authority for his/her wrongful conduct, poor job performance, etc. which is unrelated to a disclosure made pursuant to this policy.

7. DATE OF IMPLEMENTATION OF THE PFRDA WHISTLE BLOWER POLICY

The Policy comes into force from November 9, 2021. The policy can be reviewed/changed, modified, rescinded or abrogated at any time by the Authority.

Yours faithfully,

(P. Arumugarangarajan)
General Manager