

Protected Disclosures Scheme

1. Scope & Coverage:

- 1.1 Under the scheme, employees of the bank concerned, customers, stakeholders, NGOs and members of public can lodge complaints.
- 1.2 The complaints under the Scheme would cover the areas such as corruption, misuse of office, criminal offences, suspected / actual fraud, failure to comply with existing rules and regulations such as Reserve Bank of India Act, 1934, Banking Regulation Act 1949, etc., and acts resulting in financial loss / operational risk, loss of reputation, etc., detrimental to depositors' interest / public interest.
- 1.3 Anonymous / pseudonymous complaints will not be covered under the Scheme and such complaints will not be entertained.
- 1.4 Reserve Bank of India (RBI) will be the Nodal Agency to receive complaints under the Scheme. RBI will be keeping the identity of the complainant secret, except in cases where complaint turns out to be vexatious or frivolous and action has to be initiated against the complainant as mentioned at Para 5 below.
- 1.5 The bank can take action against complainants in cases where motivated / vexatious complaints are made under the Scheme, after being advised by RBI. An opportunity of hearing will however be given by the bank to the complainant before taking such action.
- 1.6 Final action taken by RBI on the complaint will be intimated to the complainant.

2. Procedure for lodging the complaint under the Scheme

- 2.1 The complaint should be sent in a closed / secured envelope.
- 2.2 The envelope should be addressed to The Chief General Manager, Reserve Bank of India, Department of Banking Supervision, Fraud Monitoring Cell, Third Floor, World Trade Centre, Centre 1, Cuffe Parade, Mumbai - 400 005. The envelope should be super scribed "Complaint under Protected Disclosures Scheme for Banks".
- 2.3 The complainant should give his / her name and address in the beginning or end of the complaint or in an attached letter. In case of an employee making such complaint, details such as name, designation, department, institution and place of posting etc. should be furnished.
- 2.4 Complaints can be made through e-mail also giving full details as specified above. For this purpose, a specific email address viz. dbspd@rbi.org.in <http://www.rbi.org.in/scripts/> has been created by Reserve Bank of India.

- 2.5 The complainant should ensure that the issue raised by him/her involves dishonest intention/moral angle. He should study all the relevant facts and understand their significance.
- 2.6 The text of the complaint should be carefully drafted so as not to give any details or clue to complainant's identity. The details of the complaint should be specific and verifiable.
- 2.7 In order to protect the identity of the complainant, RBI will not issue any acknowledgement of receipt of the complaint and the complainants are advised not to enter into any further correspondence with the RBI in their own interest. RBI, subject to the facts of the case being verifiable, will be taking necessary action, as provided under the scheme. If any further clarification is required, RBI may get in touch with the complainant.
- 2.8 If the complaint is accompanied by particulars of the person making the complaint, the RBI will be taking the following steps:
 - a) If necessary, RBI would ascertain from the complainant whether he/she was the person who made the complaint or not.
 - b) The identity of the complainant will not be revealed unless the complainant himself/herself has made the details of the complaint either public or disclosed his/her identity to any other authority.
 - c) If the identity of the complainant is concealed, RBI will make discreet inquiries to ascertain if there is any basis for proceeding further with the complaint.
 - d) Either as a result of the discreet enquiry, or on the basis of complaint itself without any inquiry, if RBI is of the opinion that the matter requires to be investigated further, RBI may consider calling for the comments / response from the Chairman / Chief Executive Officer of the bank.
 - e) After obtaining the response of the bank and / or on the basis of an independent scrutiny conducted / ordered by RBI, if RBI is of the opinion that the allegations are substantiated, the RBI will recommend appropriate action to the bank. These will, inter alia, include the following:
 - f) Appropriate action to be initiated against the concerned official.
 - g) Appropriate administrative steps for recovery of the loss caused to the bank as a result of the corrupt act or misuse of office, or any other offence covered by the Scheme.
 - h) Recommend to the appropriate authority / agency for initiation of criminal proceedings, if warranted by the facts and circumstances of the cases.
 - i) Recommend taking corrective measures to prevent recurrence of such events in future.
 - j) Consider initiating any other action that it deems fit keeping in view the facts of the case.
- 2.9 If any person is aggrieved by any action on the ground that he/she is victimized due to filing of the complaint or disclosure, he/she can file an application before the RBI seeking redressal in the matter. RBI will take such action, as

deemed fit. In case the complainant is an employee of the bank, RBI will give suitable directions to the bank, preventing initiation of any adverse personnel action against the complainant.

- 2.10 Either on the basis of application of the complainant or on the basis of information gathered, if the RBI is of the opinion that either the complainant or the witnesses in the case need protection, the RBI will issue appropriate directions to the bank.
- 2.11 The system evolved herein will be in addition to the existing grievances redressal mechanism in place. However, secrecy of identity will be observed, only if the complaint is received under the scheme.
- 2.12 In case RBI finds that the complaint is motivated or vexatious, RBI will be at liberty to take appropriate steps.
- 2.13 In the event of the identity of the informant being disclosed in spite of RBI's directions to the contrary, the RBI will be authorized to initiate appropriate action as per extant regulations against the person or agency making such disclosure. RBI may also direct such person or agency to suitably compensate the complainant.

3. Role of the Committee of the Board for the implementation of Protected Disclosure Scheme

- 3.1 The Committee of the Board constituted for the purpose will be responsible for monitoring the implementation of the Scheme.
- 3.2 The responsibility of carrying out the directions / instructions / awards that the RBI initiate on the complaints received under the scheme from time to time will also be vested with said committee
- 3.3 The Committee will scrutinize the complaints received or reference/instructions made by Reserve Bank of India and will comply with such instructions and intimate the action taken on such complaints/reference, from time to time.
- 3.4 While dealing with the complaints received or references made by Reserve Bank of India, the identity of the Complainant will be kept secret and should not be revealed to others.
- 3.5 In case the complainant is the employee of the Bank, the identity of the employee will be protected and any adverse personnel action will not be initiated against the employee, merely on the basis of such complaints.
- 3.6 The Committee of the Board can take action against complainants in cases where motivated / vexatious complaints are made under the Scheme, after being advised by RBI. An opportunity of hearing shall, however, be given to the complainant before taking such action.

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