



# **WHISTLE BLOWER POLICY 2018**

**MISHRA DHATU NIGAM LIMITED  
HYDERABAD**



**MISHRA DHATU NIGAM LTD**  
(A Govt. of India Enterprise, Ministry of Defence)

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## 1. About the Policy

Based on *Department of Personnel and Training's Resolution No. 89 dated 21st April, 2004*, commonly known as **Public Interest Disclosure and Protection of Informers Resolution, 2004**, which envisages a mechanism by which a complainant can blow a whistle by lodging a complaint and also seek protection against his victimisation for doing so, this Whistle blower Policy ("Policy", hereafter), aims at providing the stakeholders of Mishra Dhatu Nigam Limited ("MIDHANI", hereafter) ways and means to report issues that might impact MIDHANI as an organization.

## 2. Objective

MIDHANI through this formal policy aims at providing an opportunity for:

- encouraging employees and other stakeholders to report issues like:
  - ✓ violations to
    - i. Code of Business Conduct and Ethics as per "Guidelines on Corporate Governance for Public Sector Enterprises" applicable for all Directors and Senior Management Executives
    - ii. Conduct, Discipline and Appeal (CDA) rules for officers for MIDHANI and
    - iii. Standing Orders for non-executives for MIDHANI ("Standing Orders", hereafter)
  - ✓ corrupt practices – accepting or offering bribe, espionage
  - ✓ theft, including Intellectual Property
  - ✓ frauds involving Financial Statements, IP, forgery
  - ✓ misappropriation of funds and assets, significant mismanagement or waste of funds or Resources
    - ✓ abuse of
    - ✓ any conduct or practices which are illegal or breach any law (Central Vigilance Commission Act, Prevention of Corruption Act, Foreign Contributions (Regulations) Act, etc.)
    - ✓ any other violations which might impact MIDHANI

## 3. Applicability

This Policy is applicable to **and** can be used by:

- all employees of MIDHANI at any level of seniority, wherever employed
- the vendors who shall contract with MIDHANI
- any other stakeholder of MIDHANI

#### **4. Designated Authority**

The Central Vigilance Commission (“Commission”, hereafter), as well as The Chief Vigilance Officers of the Ministries or Departments of the Government of India are authorised as the Designated Authority to receive written complaints or disclosure on any allegation of corruption or of misuse 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;

#### **5. Policy**

##### **5.1 Main Content**

- a. Any public servant or a person including an NGO can make written disclosure to the Designated Authority except those referred in clauses (a) to (d) of Article 33 of Constitution;
- b. The Designated Authority may call for further information or particulars from the persons making the disclosure;
- c. Anonymous complaints shall not be acted upon;
- d. The identity of the complainant will not be revealed unless the complainant himself has disclosed his identity;
- e. The Head of the Department / Organisation to keep the identity of informant secret if he comes to know about it;
- f. The Designated Authority may call the comments / explanation of the Head of Department / Organisation on the disclosure made;
- g. The Designated Authority may seek the assistance of CBI or the police authorities to complete the investigation pursuant to the complaint received;

- h. The Designated Authority on finding the allegation of misuse of office or corruption substantive, shall recommend appropriate action to the concerned Department or Organisation;
- i. If the informant feels he is being victimised, he may make an application before the Designated Authority seeking redress in the matter. The Designated Authority may give suitable directions to the concerned public servant or the public ;
- j. If on an application or on the basis of information gathered, the Designated Authority is of the opinion that the complainant or the witness need protection, it shall issue appropriate directions to the concerned Government authorities; and
- k. In the event of the identity of the informant being disclosed in spite of the Designated Authority's directions to the contrary, the Designated Authority is authorised to initiate appropriate action as per extant regulations against the person or Authority making such disclosure.

## 5.2 Handling of Complaints

- a. The Commission has the responsibility of keeping the identity of the complainant secret.
- b. The complaint should be in a closed / secured envelope.
- c. The envelope should be addressed to Secretary, Central Vigilance Commission and should be super-scribed "**Complaint under The Public Interest Disclosure**". If the envelope is not super-scribed 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 handling 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.
- d. Commission will not entertain anonymous / pseudonymous complaints.

- e. The text of the complaint should be carefully drafted so as not to give any details or clue as to the complainant's identity. However, the details of the complaint should be specific and verifiable.
- f. 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.
- g. The Commission can also take action against complainants making motivated/vexatious complaints under this Resolution.
- h. The complaints which have been addressed to other / several authorities will not be treated as complaint under PIDPI Resolution and the same will be forwarded by the Confidential Section to the section concerned of the Commission for taking necessary action. Anonymous and Pseudonymous complaints received under PIDPI Resolution will be sent directly to the section concerned of the Commission for taking necessary action under Complaint Handling Policy of the Commission.
- i. 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 or not and (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.
- j. 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. 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. 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.

- k. In case the matters are personal in nature or it is very difficult to hide the name / identity of the complainant, a No Objection Certificate (NOC) is also obtained from the complainant. In case the complainant refuses to give NOC, the complaint is filed in the Confidential Section without any further action.
  
- l. After receiving necessary confirmation along with the certificate and NOC (if applicable) from the complainant, the complaint is placed before the Screening Committee for decision.
  
- m. The Screening Committee is headed by the Secretary and the Additional Secretaries of the Commission are members. The Screening Committee examines all complaints and recommends complaints for Investigation and Report (I & R) / Necessary Action (NA) / Filing.
  
- n. 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 a period of One Month.
  - (ii) The CVO is to ensure that no punitive action is taken by any concerned Administrative 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.

### **5.3 Protection to Whistle-blowers**

- a. 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 Authority (CVC) seeking redress in the matter, who shall take such action as deemed fit. The Designated Authority may give suitable directions to the concerned public servant or the public as the case may be.

- b. 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 issue appropriate directions to the concerned Government authorities.
- c. In the event of the identity of the informant being disclosed in spite of the Designated Authority's directions to the contrary, the Designated Authority is authorised to initiate appropriate action as per extant regulations against the person or Authority making such disclosure.
- d. The Commission, 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 Authority, 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.
- e. 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.

## **6. Supervision and monitoring of Designated Authority**

Commission shall supervise and monitor the complaints received by the Designated Authority. A report on PIDPI/Whistle-blower complaints including cases of alleged harassment / victimisation received by the Chief Vigilance Officers of the Ministries or Departments of the Government of India are required to be sent to the Commission by the CVOs of the Ministries/ Departments.

## **7. Access to the Policy**

This Policy will be available for viewing by any employee on MIDHANI's intranet; the awareness campaign (posters and circulars) shall be displayed across the organization, corporate office and plant; and by any other person on MIDHANI's company website.



## **8. Amendment to the Policy**

MIDHANI reserves its right to amend or modify this Policy in whole or in part, at any time without assigning any reason whatsoever and the same shall be updated on the intranet and company website. Such Amendments shall be approved by the Board of Directors.

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