

# Kolkata Metro Rail Corporation Limited (KMRCL)

## WHISTLE BLOWER POLICY

### 1. Objects and reasons:

KMRCL (hereafter “the Company”) believes in conduct of its affairs with the highest standards of professionalism, honesty and integrity and is committed to ensure ethical behavior by all its employees. The Company, therefore, believes in creating a culture where it should be safe for all employees to raise concerns about any unethical practices or misconduct. This Policy provides a framework to enable employees wishing to raise a concern about serious irregularities within the Company without fear of victimisation and also covers protected disclosures by the employees including those on deputation.

### 2. Definitions:

- a. “Employee” means every employee of the Company.
- b. “Protected Disclosure” means a concern raised by a written communication made in good faith in accordance with this Policy that discloses or demonstrates verifiable unethical or improper activity.
- c. “Subject” means a person against or in relation to whom a Protected Disclosure is made or evidence gathered during the course of an investigation.
- d. “Whistle Blower” is someone who makes a Protected Disclosure under this Policy.
- e. “Whistle Officer” or “Committee” means an officer or committee of persons who is nominated/appointed to conduct detailed investigation.

### 3. Coverage of Policy:

The Policy covers malpractices or unethical behaviour of an employee involving:

- a. Demanding and/or accepting gratification other than legal remuneration in respect of an official act, or for using his influence with any other official.
- b. Obtaining valuable thing(s) without consideration or with inadequate consideration, from a person with whom he has or is likely to have official dealings or any of his subordinates has official dealings, or where he can exert influence.
- c. Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
- d. Cases of misappropriation, forgery, cheating or other similar criminal offences.

- e. Negligence causing substantial and specific danger to public health and safety.
- f. Manipulation of Company data/records.
- g. Financial irregularities, including fraud or suspected fraud or such other criminal offence.
- h. Any other unethical behaviour or misconduct.

While the Company will ensure that genuine Whistle Blowers acting in good faith are accorded protection against victimisation or unfair treatment for “Protected Disclosures” under this Policy, any abuse of the Policy by way of deliberate and false or bogus allegations made with *mala fide* intention shall invite appropriate and severe disciplinary action.

#### 4. Procedure for “Protected Disclosure”:

- a. Employees can make Protected Disclosures to the Chief Vigilance Officer of the Company as soon as possible, but not later than 30 (thirty) consecutive days after becoming aware of the same.
- b. Such complaints should be sent by post only. The envelope should be superscribed with the words “Protected Disclosure: To be opened by Addressee only”. The complainant should refrain from giving personal details on the envelope or the main body of the letter which should be given either at the top of the letter or at end of the letter so that they can be easily blocked out.
- c. Whistle Blower must put his/her name to allegations. Anonymous complaints shall not be entertained.
- d. Once a Disclosure under this Policy is received, the Vigilance unit shall make a detailed written record of the Protected Disclosure in a confidential complaints register to be maintained by a designated officer in the Vigilance wing including:
  - i) Gist of allegations;
  - ii) Particulars of the complainant;
  - iii) Whether the same Protected Disclosure was raised previously by anyone, and if so, the outcome thereof;
  - iv) Whether any Protected Disclosure was raised previously against the same employee;
  - v) Findings of enquiry officer/committee along with the recommendations of the enquiry officer/committee on disciplinary matters/other action(s).

It shall be duty of the designated officer to maintain strict secrecy about the complainant.

- e. The matter shall be thereafter taken up for initial enquiry by the Vigilance wing after ascertaining the veracity of the complainant through an enquiry officer/committee without disclosing name of the Whistle Blower. If such an enquiry indicates that the concern

has no basis, or it is not a matter to be investigated/pursued under this Policy, or is already being enquired into, it may be dismissed at this stage and the decision shall be documented.

- f. Where initial enquiries indicate that further investigation is necessary, the same shall be carried out in a fair manner, as a neutral fact-finding process and without presumption of guilt. A written report on the findings shall be made to the Managing Director.
- g. Name of the Whistle Blower shall not be disclosed to the enquiry officer/committee.
- h. The enquiry officer/committee shall within 15 (fifteen) days of being nominated/appointed finalise and submit the initial report to the Chief Vigilance Officer.
- i. On submission of the report, Chief Vigilance Officer shall submit the report to the Managing Director who shall either:
  - i) in case the Protected Disclosure is proved, initiate such Disciplinary action against the employee(s) found to be guilty as appropriate;
  - ii) institute preventive measures to avoid reoccurrence of the matter including placing of the matter before the Board of Directors of the Company;
  - iii) initiate appropriate steps for recovering the loss caused to the Company as a result of misconduct;
  - iv) initiate criminal proceedings if so warranted;
  - v) in case the Protected Disclosure is not proved, close the matter.

## **5. Protection to Whistle Blowers:**

The Company is committed to ensuring that no unfair treatment is meted out to a Whistle Blower by virtue of his/her having reported a Protected Disclosure under this Policy in good faith including protection against discrimination, harassment, threat or intimidation, termination/suspension of service, disciplinary action and victimisation. A person making a "Protected Disclosure" under this Policy can request the Chief Vigilance Officer for such protection.

The identity of the Whistle Blower shall be kept confidential.

Any other employee assisting in the said investigation or furnishing evidence shall also be protected to the same extent as the Whistle Blower.

## **6. Secrecy/Confidentiality:**

The Whistle Blower, the Subject, the enquiry officer and everyone involved in the process shall maintain complete confidentiality/secrecy of the matter and if anyone is found not complying with the above, he/she shall be held liable for such disciplinary action as is considered fit.

## **7. Reporting:**

Quarterly report with number of complaints received under the Policy and their outcome shall be placed before the Board of Directors of the Company.

## **8. Amendment:**

The Company reserves the right to amend or modify this Policy in whole or in part, at any time without assigning any reason whatsoever.

## **9. Action against person making a false complaint:**

If a complaint against an employee being a public servant is found to be malicious, vexatious or unfounded, following action may be taken against the complainant for making such false complaint:

- (A) Prosecution under Section 182 of Indian Penal Code leading to punishment with imprisonment of either description for a term which may extend up to six months and/or as per Cr. PC 195 with fine which may extend up to Rs. 1,000/- or both.
- (B) Departmental action against the employee making a false complaint.
- (C) Complete case may be sent to Central Vigilance Commission to examine evidences and seek advice whether Departmental action or prosecution action may be taken against the false complainant.
- (D) Administrative Authority at their discretion to seek advice of Central Vigilance Commission in respect of the employee.