

ORDNANCE FACTORIES ORGANIZATION
WHISTLE BLOWER POLICY

1. PREFACE

- 1.1 In accordance with the guidelines issued by the Central Vigilance Commission, and towards its commitment to conduct its affairs in a fair and transparent manner adopting the highest standards of professionalism, honesty, integrity and ethical behaviour, Ordnance Factory Board has formulated a “Whistle Blower Policy” (the Policy) to establish a mechanism to receive complaints relating to disclosure on any allegation of corruption or wilful misuse of power or wilful misuse of discretion against any employee of Ordnance Factories Organization and to enquire or cause an enquiry into such disclosure(s) and to provide adequate safeguards against victimization of the person(s) making such complaints and for matters connected therewith and incidental thereto.

2. PURPOSE

The purpose of this policy is to provide a framework to promote a responsive management in Ordnance Factories organization and responsible and secure whistle blowing. It protects the employees wishing to make a genuine and bona fide complaint about serious irregularities in the Ordnance Factories organization.

3. DEFINITIONS

The definitions of some of the key terms used in this Policy are given below:-

- (a) ‘Allegation of corruption’ or ‘wilful misuse of power’ or ‘wilful misuse of discretion’ shall mean violation of law, mismanagement, misappropriation of monies, corrupt practices, actual or suspected fraud, illegal gratification, wilful wastage of public resources, substantial and specific danger to public health and safety and environmental issues or abuse of authority.

- (b) “Ordnance Factories Organization” means Ordnance Factory Board, Kolkata, Armoured Vehicle Headquarters in Chennai, Ordnance Equipment Factories Headquarters in Kanpur, Ordnance Factory Board offices in Mumbai and New Delhi, all Ordnance & Ordnance Equipment factories, National Academy of Defence Production, Ambajhari (Nagpur), Ordnance Factories Institute, of Learning, Regional Controllerates of Safety, Regional Marketing Centres, Ordnance Development Centres, Ordnance Factory Hospitals, all schools which are governed by the department and all its other constituent units.
- (c) “Employee” means every employee whose name appears on the rolls of the Ordnance Factories Organization (whether working in India or abroad)
- (d) “Whistle Officer” means an officer nominated by the competent authority to conduct investigation of complaint received under this policy.
- (e) “Protected Disclosure” (PD) means any written communication made in good faith that discloses or demonstrates information that may evidence unethical or improper activity on the part of employee of the Ordnance Factories Organization.
- (f) “Subject” means a person against whom or in relation to whom a protected disclosure has been made or evidence gathered during the course of an investigation.
- (g) “Whistle Blower/complainant” means an employee making a protected disclosure/complaint under this Policy.
- (h) Competent Authority : “Competent Authority” means :
- (i) In relation to subjects of the level of Gr.’C, Gr.’B’ Non-Gazetted, Gr.’B’ Gazetted and Gr.’A’ officers below the rank of SAG and posted in :
- (a) Ordnance Factories, NADP, OFILs, RCSs, RMCs, ODCs, QAGs, Ordnance Factories Offices located at New Delhi and Mumbai.
- Senior General Manager/General Manager/HOD/Head of Unit.

- (b) Ordnance Factory Board
- Addl.DGOF & Member/Per.
- (c) AVHQ
- Addl.DG/AV
- (d) OEFHQ
-Addl.DG/OEF
- (ii) All Sr.GMs, GMs, HOD, HOU, All other officers of the rank SAG and above (except DGOF & Chairman/OFB)
- DGOF & Chairman/OFB
- (iii) DGOF & Chairman/OFB
- Secretary/DP

4. SCOPE

The policy covers malpractices and events which have taken place/suspected to take place involving:

1. Financial irregularities, including fraud, or suspected fraud
2. Malicious /malafide violation of laws/rules/regulations/guidelines/manuals
3. Discrimination, favouritism, nepotism
4. Criminal Offence
5. Deliberate Wastage/misappropriation of funds and assets.
6. Wilful pilferage/leakage of confidential/propriety information.
7. Negligence causing substantial and specific danger to public health and safety
8. Abuse of authority
9. Any other unethical, biased, favoured, imprudent act.

5. PROCEDURE

- 5.1.1 The contact details of the competent authorities are available on the web site of the organization www.ofbindia.gov.in and internally on the Comnet portal of Ordnance Factory Board, Kolkata.

- 5.1.2 The protected disclosure should be addressed to the competent authority as given above.
- 5.1.3 The protected disclosure should be reported in writing so as to ensure a clear understanding of the issues raised and should either be typed or written in legible handwriting which shall bear the identity of the whistle blower.
- 5.1.4 The protected disclosure shall be made in English or Hindi or in the regional language of the place of employment of the whistle blower.
- 5.1.5 The protected disclosure should be forwarded under a covering letter. The complainant shall give his/her name and address and other contact details on a separate sheet attached to the complaint, so that the identity of the complainant is separable. The text of the protected disclosure should be carefully drafted so as not to give any details or clue as to the identity of the complainant. However, the details of the protected disclosure made should be specific and verifiable and be accompanied by supporting documents or other material, if any.
- 5.1.6 It should be sent in a closed and secured envelope super scribed as "Protected Disclosure under the Whistle Blower Policy". If the envelope is not super scribed and closed as mentioned above it will not be possible for the competent authority to protect the identity of the complainant under the above policy and the complaint will be dealt with as per the normal complaint policy of the organization.
- 5.1.7 The complainants are advised not to write their name/address on the envelope (though sent through courier/post) in their own interest.
- 5.1.8 The complainants can also be sent through e-mail.
- 5.2 The protected disclosures shall be dealt with by the office of the competent authority/persons designated by the competent authority. The competent authority/designated authority shall detach the covering letter bearing the identity of the whistle blower and forward only the protected disclosure to the Whistle Officer for investigation.
- 5.3 In case of e-mails, the same shall be opened only by a person authorised by the competent authority. The person so authorised

shall submit the same to the competent authority for further directions.

5.4 The competent authority on receipt of the protected disclosure shall make a detailed written record of the protected disclosure and will also ascertain confidentially from the complainant whether he was the person who had made the protected disclosure or not before referring the matter for the investigation. The record will include:

- i) Facts of the matter;
- ii) Nature of misconduct, irregularity or offence;
- 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 Subject;
- v) The financial/other loss which has been incurred/would have been incurred by the organization.
- vi) Findings and action taken thereof

6. COMPLAINT

6.1 The whistle blower making a disclosure under this policy is a complainant. He/she is not an investigator, therefore, he should not act on their own in conducting any investigative activities nor does he have a right to participate in any investigative activities unless formally requested. He can also not determine the appropriate corrective or remedial action that may be warranted.

6.2. Although the whistle blower is not expected to provide proof of the veracity of his allegation, he needs to demonstrate that there are sufficient grounds for the complaint.

6.3 Anonymous or pseudonymous complaints will not be entertained whatsoever.

7. PROTECTION

7.1 The identity of the whistle blower shall be kept confidential to the extent possible and as permitted under the law.

- 7.2 The Ordnance Factories Organization, as a policy, condemns any kind of discrimination, harassment, victimization or any other unfair employment practice adopted against whistle blowers. It shall, therefore, be the duty of the competent authority to ensure that the complainant makes the disclosure without any fear of reprisal, discrimination or adverse employment consequences. The competent authority must also ensure that complete protection is given to the Whistle Blower against any unfair practice like retaliation, threat or intimidation of termination / suspension of service, disciplinary action, transfer, demotion, denial of promotion, or the like including any direct or indirect use of authority to obstruct the whistle blower's right to continue to perform his duties / functions including making further protected disclosure and that no unfair treatment is meted out to him/her by virtue of his/her having reported a protected disclosure under this policy.
- 7.3. The Ordnance Factories Organization will take steps to minimize difficulties, reported by the whistle blower for making the protected disclosure.
- 7.4 The whistle blower may report any violation of the above clause to the competent authority who shall investigate into the same and recommend suitable action.
- 7.5 If the Whistle Blower is required to give evidence in criminal or judicial procedures, he will be given all the necessary assistance.
- 7.6 Any other employee assisting in the said investigation shall also be protected to the same extent as the whistle blower.

8. EXCEPTIONS:

- 8.1 This policy does not release the employees from their duty of maintaining confidentiality in the course of their work.
- 8.2 This policy should not be used in place of the organizations' grievance redressal procedure.
- 8.3 Any abuse of this protection by whistle blowers may result in disciplinary action being initiated against them.

- 8.4 The whistle blower shall not make false or bogus allegations knowing it to be false or bogus, frivolous, malicious complaints or with a mala fide intention. Protected disclosure of such category if subsequently found to be frivolous, baseless or reported otherwise than in good faith may invite disciplinary action against the complainant.
- 8.5 However, this policy does not protect an employee from an adverse action taken independent of his disclosure or unethical and improper practice etc., unrelated to a disclosure made pursuant to this policy.