

# MUMBAI PORT TRUST

## WHISTLE BLOWER POLICY

As per the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution dated 21.4.2004 (as amended); the Whistle blowers Protection Act, 2011; and the relevant Office Memorandums (OMs) / Circulars / Orders issued by the Central Vigilance Commission (CVC) and Department of Personnel and Training (DOPT), the procedure to receive complaints relating to disclosure on any allegation of corruption or wilful misuse of power or wilful misuse of discretion by any Mumbai Port Trust (MbPT) employee and to inquire or cause an inquiry into such disclosure and to provide adequate safeguards against victimization of the person making such complaint and for matters connected therewith and incidental thereto, is as under:

1. The Chief Vigilance Officer, MbPT has been authorised as the 'DESIGNATED AUTHORITY' to receive written complaints or disclosure on any allegation of corruption or misuse of office by any MbPT employee and to inquire or cause an inquiry into such disclosure and to provide adequate safeguards against victimization of the person making such complaint and for matters connected therewith and incidental thereto.
2. Any complaint to be made under this policy should comply with the following aspects:
  - a. The complaint should be in a closed/ secured envelope.
  - b. The envelope should be addressed to Chief Vigilance Officer, MbPT and should be **superscribed “Complaint under the Public Interest Disclosure”**. If the envelope is not superscribed and closed, it will not be possible for the 'DESIGNATED AUTHORITY' to protect the

complainant under PIDPI Resolution, 2004 and the complaint will be dealt with the normal complaint policy of MbPT. The complainant should give his/her name and address in the beginning or end of the complaint or in an attached letter.

- c. Any **anonymous/ pseudonymous complaint will not be entertained.**
  - d. The text of the complaint should be carefully drafted so as **not to give any details or clue as to his/her identity.** However, the details of the disclosure or complaint should be specific and verifiable and shall contain as full particulars as possible and shall be accompanied by supporting documents or other materials.
  - e. In order to protect identity of the person, the 'DESIGNATED AUTHORITY' will not issue any acknowledgement and the whistle-blowers are **advised not to enter into any further correspondence** with the 'DESIGNATED AUTHORITY' in their own interest. The Designated Authority, subject to the facts of the case being verifiable, will take the necessary action, as provided under the PIDPI Resolution, 2004.
  - f. The 'DESIGNATED AUTHORITY' can also take **action against complaints making motivated/vexatious complaints** under the said Resolution.
3. The 'DESIGNATED AUTHORITY' will ascertain from the complainant or the employee whether he /she was the person or the public servant/employee who made the disclosure or not.
  4. The 'DESIGNATED AUTHORITY' will conceal the identity of the complainant unless the complainant himself has revealed his identity to any other office or authority while making public interest disclosure or in his complaint or otherwise.

5. While considering the complaints the 'DESIGNATED AUTHORITY' would take no action on complaints relating to administrative matters like recruitment, promotion transfers and other related issues. However, in case of serious complaints of irregularity in these matters, the same could be brought to the notice of the CHAIRMAN, MbPT for taking appropriate action.
6. If the 'DESIGNATED AUTHORITY', either as a result of the discreet inquiry, or on the basis of the disclosure itself without any inquiry, is of the opinion that the disclosure requires to be investigated, it shall seek comments or explanation or report from the Head of the Department or the authority concerned within two weeks. While seeking such comments or explanations the 'DESIGNATED AUTHORITY' shall not reveal the identity of the complainant and direct the Head of the Department concerned or office concerned not to reveal the identity of the complainant or public servant. In case no reply is received within two weeks, a reminder should be sent at the level of the 'DESIGNATED AUTHORITY'. If no reply is still received, the second reminder after 2 weeks should be sent at the level of CHAIRMAN, MbPT. If no reply is still received, the 'DESIGNATED AUTHORITY' may call for an explanation and recommend administrative action for deliberate delay.
7. On receipt of the reply, the 'DESIGNATED AUTHORITY' shall investigate into the complaint and prepare an investigation report within two weeks.
8. The 'DESIGNATED AUTHORITY' would submit the investigation report alongwith his recommendation to the Central Vigilance Commission (CVC) for further direction.
9. Meanwhile, the 'DESIGNATED AUTHORITY' shall ensure that no punitive action is taken by any concerned Administrative authority against any person on perceived reasons/suspicion of being "whistle blower".
10. Subsequent to the receipt of CVC's directions to undertake any disciplinary action based on such complaints, the 'DESIGNATED

AUTHORITY' has to follow up and confirm compliance of further action by the 'DESIGNATED AUTHORITY' and keep the CVC informed of delay, if any.

11. The 'DESIGNATED AUTHORITY' should maintain a separate list for the complaints received under the 'PIDPI Resolution'.
12. Wherever the complainant has alleged victimization/harassment, the 'DESIGNATED AUTHORITY' should ensure that if the identity of the complainant somehow becomes known he/she should not be harassed/victimized by way of frequent transfers etc.
13. In case a complainant seeks protection and reports that his life is in danger, the 'DESIGNATED AUTHORITY' would examine the same and send his recommendation to the CVC to take up the matter with the Nodal Officers of respective States/UTs appointed by the Ministry of Home Affairs/State Governments for the purpose of providing security cover to the whistle blowers.
14. In case of any conflict, following Acts/ OMs would prevail over the above policy:
  - i. The Public Interest Disclosure and Protection of Informers (PIDPI) Resolution dated 21.4.2004
  - ii. The Whistle Blower Protections Act, 2011
  - iii. DOPT's OM No. 371/4/2013-AVD-III dated 16.6.2014
  - iv. CVC's Office Order No. 33/5/2004 dated 17.5.2004
  - v. Any other orders issued by Ministry or CVC from time to time in subject issue.

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