

WHISTLEBLOWER'S POLICY

NORTH EAST INITIATIVE DEVELOPMENT AGENCY



Preface

The North East Initiative Development Agency (NEIDA) has been working in the North-eastern states of India in the field of rural development since 2012. NEIDA is a registered Society and is an Associate Organization of the Tata Trusts. NEIDA strives towards building an inclusive enabling environment for improving the quality of life in North-eastern region of India. We design and implement innovative solutions that are environmentally sustainable to improve quality of life focusing on low income households with an emphasis on human resource development in North-eastern region of India.

Through direct field engagement, NEIDA works towards enhancing livelihoods opportunities and improving the quality of lives of households it works with through i) improved agriculture and horticulture practices; ii) promotion of livestock activities, iii) providing access to safe drinking water and sanitation facilities and iv) Forest Based Livelihoods,

NEIDA engages with community institutions and grassroots Non- Governmental Organisations for the implementation of different development projects.

NEIDA believes in the conduct of the affairs of its constituents in a fair and transparent manner by adopting highest standards of professionalism, honesty, integrity and ethical behaviour. Towards this end, NEIDA has adopted the NEIDA Code of Conduct (“the Code”), which lays down the principles and standards that should govern the actions of NEIDA and its employees. Any actual or potential violation of the Code, howsoever insignificant or perceived as such, would be a matter of serious concern for NEIDA. The role of the employees / partner organizations in pointing out such violations of the Code cannot be undermined. There is a provision under the Code requiring employees to raising concerns, which states:

Raising Concerns

We encourage our employees, partners, organisations and other stakeholders to raise concerns or make disclosures when they become aware of any actual or potential violation of our Code, policies or law. We also encourage reporting of any event (actual or potential) of misconduct that is not reflective of our values and principles.

Avenues available for raising concerns or queries or reporting cases could include:

1. Immediate line manager or the Executive Director
2. Any other reporting channel set out in our organisation's 'Whistleblower' policy.
3. We do not tolerate any form of retaliation against anyone reporting legitimate concerns. Anyone involved in targeting such a person will be subject to disciplinary action.
4. If you suspect that you or someone you know has been subjected to retaliation for raising a concern or for reporting a case, we encourage you to promptly contact your line manager or the Executive Director
5. Accordingly, this Whistleblower Policy ("the Policy") has been formulated with a view to provide a mechanism for employees of NEIDA to approach the Ethics Counsellor / Chairman of the Whistleblower Policy Committee of NEIDA.

1. Definitions

The definitions of some of the key terms used in this Policy are given below. Capitalized terms not defined herein shall have the meaning assigned to them under the Code.

- a) **“Whistleblower Policy”** means the Committee constituted by the Governing Board of NEIDA.
- b) **“Code”** means the NEIDA Code of Conduct.
- c) **“Investigators”** mean those persons authorised, appointed, consulted or approached by the Ethics Counsellor / Chairman of the Whistleblower Policy Committee and includes the auditors of the NEIDA and the police.
- d) **“Protected Disclosure”** means any communication made in good faith that discloses or demonstrates information that may evidence unethical or improper activity.
- e) **“Subject”** means a person against or in relation to whom a Protected Disclosure has been made or evidence gathered during the course of an investigation.
- f) **“Whistleblower”** means an Employees or partner organisations making a Protected Disclosure under this Policy.

2. Scope

- a) This Policy is an extension of the NEIDA Code of Conduct. The Whistleblower’s role is that of a reporting party with reliable information. They are not required or expected to act as investigators or finders of facts, nor would they determine the appropriate corrective or remedial action that may be warranted in a given case
- b) Whistleblowers should not act on their own in conducting any investigative activities, nor do they have a right to participate in any investigative activities other than as requested by the Ethics Counsellor or the Chairman of the Whistleblower Policy Committee or the Investigators.
- c) Protected Disclosure will be appropriately dealt with by the Ethics Counsellor or the Chairman of the Whistleblower Policy Committee, as the case may be.

3. Eligibility

- a) All Employees and partner organisations of NEIDA are eligible to make Protected Disclosures under the Policy. The Protected Disclosures may be in relation to

matters concerning NEIDA or any other NEIDA Partner organisation or associate organisation.

4. Disqualifications

- a) While it will be ensured that genuine Whistleblowers are accorded complete protection from any kind of unfair treatment as herein set out, any abuse of this protection will warrant disciplinary action.
- b) Protection under this Policy would not mean protection from disciplinary action arising out of false or bogus allegations made by a Whistleblower knowing it to be false or bogus or with a *mala fide* intention.
- c) Whistleblowers, who make three or more Protected Disclosures, which have been subsequently found to be *mala fide*, frivolous, baseless, malicious, or reported otherwise than in good faith, will be disqualified from reporting further Protected Disclosures under this Policy. In respect of such Whistleblowers, NEIDA / Whistleblower Policy Committee would reserve its right to take/recommend appropriate disciplinary action.

5. Procedure

- a) All Protected Disclosures should be addressed to the Chairman/Ethics counsellor of the Whistleblower Policy Committee of NEIDA for investigation.
- b) The contact details of the Chairman/Ethics Counsellor of the Whistleblower Policy Committee of NEIDA are as under:

Helpline for Whistleblower Policy: hr@neida.org.in & 0370-2260197

Role	Designation	Contact Details
Chairman	Mr. Chingmak Kejong	chingmakkejong@rediffmail.com +91-943-600-7263
Ethics Counsellor	Ms. Sentimongla Kechuchar	sentimong@neida.org.in +91-993-065-3263
Investigator	Mr. Krishna Jayaraman	kjayaraman@tatatrusters.org +91-922-335-1696
Member	Mr. Shiluinba Jamir	shilu@neida.org.in +91-841-480-7669

- a) If a protected disclosure is received by any executive of NEIDA other than Chairman or the Ethics Counsellor of the Whistleblower Policy Committee, the same should be forwarded to the NEIDA's Ethics Counsellor or the Chairman of the Whistleblower Policy Committee for further appropriate action. Appropriate care must be taken to keep the identity of the Whistleblower confidential.
- b) Protected Disclosures should preferably be reported in writing so as to ensure a clear understanding of the issues raised and should either be typed or written in a legible handwriting in English, Hindi or in the regional language of the place of employment of the Whistleblower.
- c) The Protected Disclosure should be forwarded under a covering letter which shall bear the identity of the Whistleblower. The Chairman of the Whistleblower Policy Committee / Ethics Counsellor, as the case may be, shall detach the covering letter and forward only the Protected Disclosure to the Investigators for investigation.
- d) The Protected Disclosures should be factual and not speculative or in the nature of a conclusion and should contain as much specific information as possible to allow for proper assessment of the nature and extent of the concern and the urgency of a preliminary investigative procedure.
- e) The Whistleblower must disclose his/her identity in the covering letter forwarding such Protected Disclosure. Anonymous disclosures will not be entertained as it would not be possible to interview the Whistleblowers

6. Investigation

- a) All Protected Disclosures reported under this Policy will be thoroughly investigated by the Ethics Counsellor / Chairman of the Whistleblower Policy Committee of NEIDA. If any member of the Whistleblower Policy Committee has a conflict of interest in any given case, then he/she should recuse himself/herself and the other members of the Whistleblower Policy Committee should deal with the matter on hand.
- b) The Ethics Counsellor / Chairman of the Whistleblower Policy Committee may at its discretion, consider involving any Investigators for the purpose of investigation.
- c) The decision to conduct an investigation taken by the Ethics Counsellor / Chairman of the Whistleblower Policy Committee is by itself not an accusation and is to be treated as a neutral fact-finding process. The outcome of the investigation may not support the conclusion of the Whistleblower that an improper or unethical act was committed.
- d) The identity of a Subject will be kept confidential to the extent possible given the

legitimate needs of law and the investigation.

- e) Subjects will normally be informed of the allegations at the outset of a formal investigation and have opportunities for providing their inputs during the investigation.
- f) Subjects shall have a duty to co-operate with the Ethics Counsellor / Chairman of the Whistleblower Policy Committee or any of the Investigators during investigation to the extent that such co-operation will not compromise self-incrimination protections available under the applicable laws.
- g) Subjects have a right to consult with a person or persons of their choice, other than the Ethics Counsellor / Investigators and/or members of the Whistleblower Policy Committee and to the Whistleblower. Subjects shall be free at any time to engage counsel at their own cost to represent them in the investigation proceedings.
- h) Subjects have a responsibility not to interfere with the investigation. Evidence shall not be withheld, destroyed or tampered with, and witnesses shall not be influenced, coached, threatened or intimidated by the Subjects.
- i) Unless there are compelling reasons not to do so, Subjects will be given the opportunity to respond to material findings contained in an investigation report. No allegation of wrongdoing against a Subject shall be considered as maintainable unless there is good evidence in support of the allegation.
- j) Subjects have a right to be informed of the outcome of the investigation. If allegations are not sustained, the Subject should be consulted as to whether public disclosure of the investigation results would be in the best interest of the Subject and NEIDA.
- k) The investigation shall be completed normally within 45 days of the receipt of the Protected Disclosure.

7. Protection

- a) No unfair treatment will be meted out to a Whistleblower by virtue of his/her having reported a Protected Disclosure under this Policy. NEIDA, as a policy, condemns any kind of discrimination, harassment, victimization or any other unfair employment practice being adopted against Whistleblowers. Complete protection will, therefore, be given to Whistleblowers against any unfair practice like retaliation, threat or intimidation of termination/suspension of service, disciplinary action, transfer, demotion, refusal of promotion, or the like including any direct or indirect use of authority to obstruct the Whistleblower's right to continue to perform his/her duties/functions including making further Protected Disclosure. NEIDA will take steps to minimize difficulties, which the Whistleblower may experience as a result of making

the Protected Disclosure. Thus, if the Whistleblower is required to give evidence in criminal or disciplinary proceedings, NEIDA will arrange for the Whistleblower to receive advice about the procedure, etc.

- b) A Whistleblower may report any violation of the above clause to the Chairman of the Whistleblower Policy Committee, who shall investigate into the same and recommend suitable action to the management.
- c) The identity of the Whistleblower shall be kept confidential to the extent possible and permitted under law. Whistleblowers are cautioned that their identity may become known for reasons outside the control of the Ethics Counsellor / Chairman of the Whistleblower Policy Committee (e.g. during investigations carried out by Investigators).
- d) Any other Employee / partner organisations and vendors assisting in the said investigation shall also be protected to the same extent as the Whistleblower.

8. Investigators

- a) Investigators are required to conduct a process towards fact-finding and analysis. Investigators shall derive their authority and access rights from the Ethics Counsellor / Chairman of the Whistleblower Policy Committee when acting within the course and scope of their investigation.
- b) Technical and other resources may be drawn upon as necessary to augment the investigation. All Investigators shall be independent and unbiased both in fact and as perceived. Investigators have a duty of fairness, objectivity, thoroughness, ethical behaviour, and observance of legal and professional standards.
- c) Investigations will be launched only after a preliminary review which establishes that:
 - (i) the alleged act constitutes an improper or unethical activity or conduct, and
 - (ii) either the allegation is supported by information specific enough to be investigated, or matters that do not meet this standard may be worthy of management review, but investigation itself should not be undertaken as an investigation of an improper or unethical activity.

9. Decision

If an investigation leads the Ethics Counsellor / Chairman of the Whistleblower Policy Committee to conclude that an improper or unethical act has been committed, the Ethics Counsellor / Chairman of the Whistleblower Policy Committee shall recommend to the management of the NEIDA to take such disciplinary or corrective action as the Ethics Counsellor / Chairman of the Whistleblower Policy Committee deems fit. It is clarified that any disciplinary or corrective action initiated against the Subject as a result of the findings of an investigation pursuant to this Policy shall adhere to the applicable personnel or staff conduct and disciplinary procedures.

10. Reporting

The Ethics Counsellor shall submit a report to the Whistleblower Policy Committee on a regular basis about all Protected Disclosures referred to him/her since the last report together with the results of investigations, if any.

11. Retention of documents

All Protected Disclosures in writing or documented along with the results of investigation relating thereto shall be retained by NEIDA for a minimum period of seven years.

12. Amendment

NEIDA reserves its right to amend or modify this Policy in whole or in part, at any time without assigning any reason whatsoever. However, no such amendment or modification will be binding on the Employees / partner organisation and associate organisation unless the same is notified to the Employees / partner organisation and associate organisation in writing



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