

ANTI-CORRUPTION POLICY (BRIBERY, CORRUPT PRACTICES)

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Policy Statement: The Policy against Bribery, Corruption, if occurs at IEC University seeks to maintain and create an academic and work environment free of corruption for students, academics and non-academic staff of the University and to provide transparent good governance. The Policy will also apply to outsiders and residents, of the University to the extent specified in these rules and procedures.

DEFINITIONS

- I. "Students" includes regular students as well as current day scholars of the University.
- II. 'Teaching staff' includes any person in the staff of the University, who is appointed to a teaching and/or research post, whether full time, temporary, ad-hoc, part-time, visiting, honorary, or on special duty or deputation and includes employees on casual basis.
- III. 'Non-Teaching Staff' includes any person on the staff of IEC University, who is not included in the teaching staff. This category includes employees who are full-time, temporary, ad-hoc, part-time, visiting honorary, or on special duty or deputation, and the ones employed on a casual or project basis.
- IV. "Member of the University" includes all those listed in categories I – III above.
- V. "Resident" includes any person who is a temporary or permanent resident of any of the accommodations or premises allotted to him / her as an employee of the University.

VI. "Outsider" includes any person who is not a member of the University or a resident. It also includes, but is not limited to, any private person offering residential and other facilities to students, teaching staff or non-teaching staff of the University.

VII. "Campus" includes all places of work and residence in the IEC University. It includes all places of instruction, research and administration, as well as hostel, health centers, sports grounds, staff quarters and public places.

VIII. "Bribery" means "The offering, giving, receiving, or soliciting of something of value for the purpose of influencing the action of an official in the discharge of his or her public or legal duties." The expectation of a particular voluntary action in return is what makes the difference between a bribe and a private demonstration of goodwill. To offer or provide payment in order to persuade someone with a responsibility to betray that responsibility is known as seeking Undue Influence over that person's actions. When someone with power seeks payment in exchange for certain actions, that person is said to be *peddling influence*. Regardless of who initiates the deal, either party to an act of bribery can be found guilty of the crime independently of the other.

IX. "Bribe" can consist of immediate cash or of personal favors, a promise of later payment, or anything else the recipient views as valuable.

SCOPE OF THE POLICY

This Policy shall be applicable to all complaints of Bribery, Corruption made:

I. By a member of the University against any other member of the University irrespective of whether the act of bribery or corruption is alleged to have taken place within or outside the campus.

II. By a resident against a member of the University or by a member against a resident irrespective of whether the act of bribery or corruption is alleged to have taken place within or outside the campus.

III. By an outsider against a member of the University or by a member of the University against an outsider if the act of bribery or corruption is alleged to have taken place within the campus.

IV. By a member of the University, against an outsider if the act of bribery or corruption is alleged to have taken place outside the campus. In such cases the Committee shall recommend that the University authorities initiate action by making a complaint with the appropriate authority. Further the Committee will

actively assist and provide available resources to the complainant in pursuing the complaint.

COMPLAINT MECHANISM

Implementation of the University policy against the act of bribery or corrupt practice shall be achieved through **IEC University Complaints Committees (IECUCC)** as the designated complaints and redressal body.

Constitution of the Committees

- The Chairperson will be a female faculty member and elected by the members of the IECUCC
(Member of the Standing Committee)
- A member of the Proctoral Committee (S.C)
- Dean or Dean's Representative of Student Services (S.C)
- One Human Resources Department Representative (S.C)
- One nominated member of the Academic Staff (Chosen from a pool of trained staff on a case by case basis).
- One nominated member of the Non-Academic Staff (Chosen from a Pool of trained staff on a case by case basis).
- One person experienced in dealing vigilance cases and with legal background, having well versed CCS (CCA) and CCS(Conduct) Rules and Central AND State Acts – co-opted from out with the University (IECU)

Disqualification of Chair / member IECUCC

A person shall be disqualified from being a member of IECUCC if any investigation into their personal conduct relating to sexual harassment, moral turpitude or criminal charges are pending against him/her. Should he/she be found guilty as charged he/she will be permanently barred from service on IECUCC

Power and Duties

<h2>S.S.C.U 3 main Functions</h2>

**Monitoring of
Bribery and Anti
Corruption matters**

Conduct Inquiry.

Impose Penalty

SSCU with have three main functions.

1. Monitoring of Bribery and Anti-corruption matters.
2. Conduct Inquiry
3. Impose Penalty

1. Monitoring of Bribery and Anti-Corruption matters is one of the roles of IECUCC.

- a) The Bribery and Anti-Corruption Policy in summary form shall be prominently adhered by all staff member since the time of signing code of conduct and undertaking made before IEC University.
- b) All transactions dealing should be held before Tender Opening Committee (TOC) or Tender Execution Committee (TEC)
- c) Induction and subsequent training programmes to be held time to time to all concerned staff regarding maintenance of financial propriety and vigilance awareness
- d) Effective monitoring of working of CCTV Cameras at all sensitive nodes.

2. Conduct Inquiry

- a) IECUCC, on receiving complaint, or on suo-motto, will appoint Inquiry committee.
- b) IECUCC will examine the report submit by Inquiry committee and submit the proposal for imposition of penalty to High power committee.

PROCEDURE

Complaint Received/ Noticed

When any complaint is received or noticed the same should be put up before IECUCC

IECUCC after perusing the complaint will appoint Inquiry committee with instruction to submit the report within seven days.

Inquiry Committee in its turn investigates into the matter immediately and set up the process to conduct the inquiry.

Inquiry Committee sit and examine into the matter and set the issues.

Inquiry Committee summons the witness and the persons involved in the matter to be inquired into.

Inquiry Committee will fix the date of hearing and adjournment may not be allowed in any case.

Inquiry Committee will conclude the inquiry proceeding after examining the facts and evidences, witnesses.

After conclusion on Inquiry , Inquiry Committee will submit the report to IECUCC under SEALED ENVELOPE..

The SEALED ENVELOPE will be opened and put up before chairperson IECUCC.

The IECUCC, after perusing the inquiry, will issue SHOWCAUSE NOTICE to the person, against whom Inquiry Committee framed charges.

After receiving the reply to the Show Cause Notice, and on the basis of gravity of the offence, IECUCC will propose the imposition of penalty.

The Imposed penalty will be communicated to the offender and concerned department and HR and Account Section.

STEPS

COMPLAINT RECEIVED

PUT UP BEFORE IECUCC

INQUIRY COMMITTEE APPOINTED

INVESTIGATION
CONDUCTION OF INQUIRY
SITTING & EXAMINING THE CASE BEFORE IC
SUMMONING THE WITNESSES, EVIDENCES
HEARING
CONCLUSION OF INQUIRY
SUBMISSION OF REPORT TO IECUCC

PUT UP THE REPORT OF IC BEFORE IECUCC Committee

ISSUANCE OF SHOW CAUSE NOTICE

PERSUAL OF REPORT AND IMPOSITION OF PENALTY

COMMUNICATION OF ORDERS TO PENALISED STAFF

FORWARDING THE COPY OF PENALTY ORDER TO HR & ACCOUNTS DEPTT

DISCIPLINARY PENALTIES

MINOR PENALTIES

MAJOR PENALTIES

WRITTEN WARNING

STOPPAGE OF INCREMENT FOR ONE YEAR

STOPPAGE OF INCREMENT FOR TWO YEARS

STOPPAGE OF INCREMENT FOREVER

REDUCTION OF POST TO LOWER RANK

TERMINATION OF SERVICES

TERMINATION OF CONTRACT/AGREEMENT (In case the act of Bribery, committed by outsider)

Referring the matter to Local Law Enforcement Agency

Section 109 in The Indian Penal Code, 1860

109. Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment.-- Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence. Explanation.- An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment. Illustrations

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe. A has abetted the offence defined in section 161.

(b) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.

(c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Section 171B in The Indian Penal Code, 1860

171B. Bribery.--

(1) Whoever-

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery: Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

The Prevention of Corruption Act , 1988

7. Public servant taking gratification other than legal remuneration in respect of an official act
Whoever, being, or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person or for rendering or attempting to render any service or disservice to any person, with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment which shall be not less than six months but which may extend to five years and shall also be liable to fine.

Explanations.-

(a) "Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.

(b) "Gratification." The word "gratification" is not restricted to pecuniary gratifications or to gratifications estimable in money.

(c) "Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government or the organisation, which he serves, to accept.

(d) "A motive or reward for doing." A person who receives a gratification as a motive or reward for doing what he does not intend or is not in a position to do, or has not done, comes within this expression.

(e) Where a public servant induces a person erroneously to believe that his influence with the Government has obtained a title for that person and thus induces that person to give the public servant, money or any other gratification as a reward for this service, the public servant has committed an offence under this section.

8. Taking gratification, in order, by corrupt or illegal means, to influence public servant
Whoever accepts or obtains, or agrees to accept, or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant, whether named or otherwise, to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

9. Taking gratification, for exercise of personal influence with public servant
Whoever accepts or obtains or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant whether named or otherwise to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

10. Punishment for abetment by public servant of offences defined in section 8 or 9
Whoever, being a public servant, in respect of whom either of the offences defined in section 8 or section 9 is committed, abets the offence, whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

11. Public servant obtaining valuable thing, without consideration from person concerned in proceeding or business transacted by such public servant
Whoever, being a public servant, accepts or obtains or agrees to accept or attempts to obtain for himself, or for any other person, any valuable thing without consideration, or for a

consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

12. Punishment for abetment of offences defined in section 7 or 11

Whoever abets any offence punishable under section 7 or section 11 whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine, 13. Criminal misconduct by a public servant

(1) A public servant is said to commit the offence of criminal misconduct,-

(a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in section 7; or

(b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or

(d) if he,-

(i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

(ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

(iii) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest; or

(e) if he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

Explanation.-For the purposes of this section, "known sources of income" means income received from any lawful source and such receipt has been intimated in accordance with the provisions of any law, rules or orders for the time being applicable to a public servant.

(2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine.

14. Habitual committing of offence under sections 8, 9 and 12

Whoever habitually commits-

(a) an offence punishable under section 8 or section 9; or

(b) an offence punishable under section 12, shall be punishable with imprisonment for a term which shall be not less than two years but

which may extend to seven years and shall also be liable to fine.

15. Punishment for attempt

Whoever attempts to commit an offence referred to in clause (c) or clause (d) of sub-section of section 13 shall be punishable with imprisonment for a term which may extend to three years and with fine.

Prevention of Money Laundering Act, 2002

3. Offence of money-laundering.-- Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime and projecting it as untainted property shall be guilty of offence of money laundering.

4. Punishment for money-laundering.-- Whoever commits the offence of money-laundering shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine which may extend to five lakh rupees:

Provided that where the proceeds of crime involved in money-laundering relates to any offence specified under paragraph 2 of Part A of the Schedule, the provisions of this section shall have effect as if for the words "which may extend to seven years", the words "which may extend to ten years" had been substituted.