

ANTI-BRIBERY POLICY OF BUREAU OF INDIAN STANDARDS

1. Purpose

1.1 The purpose of anti-bribery policy of Bureau of Indian Standards (BIS) is:

- a) to set out the commitment of BIS and all individuals who work for BIS, in observing and upholding a zero-tolerance position on bribery; and
- b) to provide information and guidance to those individuals working for BIS on how to recognize and deal with bribery issues.

2. Policy Statement

2.1 We, at Bureau of Indian Standards (BIS) are committed to prevent, detect and respond to bribery in all our activities by:

- 1) Establishing a culture of integrity, transparency, accountability, openness in order to enhance stakeholders' confidence in standardization, conformity assessment and associated activities of BIS;
- 2) Inculcating an environment of trust within the organization and with stakeholders for enabling bribery related concerns, if any, to be raised without fear of reprisal;
- 3) Creating a bribery-free business environment and achieving objective of zero tolerance towards bribery;
- 4) Complying with anti-bribery laws and applicable guidelines for mitigating corrupt practices;
- 5) Conducting due diligence while determining the nature and extent of bribery risks;
- 6) Initiating appropriate disciplinary actions as per applicable laws and guidelines for all instances of non-compliance to anti-bribery policy;
- 7) Implementing the Anti-Bribery Management System throughout BIS, periodically reviewing and continually improving its effectiveness;
- 8) Establishing and notifying independent Compliance Function with appropriate authority to deal with anti-bribery matters related to all levels of employees and ensuring independence of the Anti-Bribery Compliance Function;
- 9) Ensuring that all employees and business associates are aware of the consequences of the breach of anti-bribery policy.

3. Application

3.1 This anti-bribery policy applies to all employees of BIS at all levels and grades (whether permanent, on deputation, on tenure basis or on contract, interns or trainees) and all business associates of BIS including but not limited to actual and potential clients, customers, outsourcing providers, consultants, contractors, sub-contractors, suppliers, vendors, advisors, agents, other government/public sector/private sector organizations and bodies working with BIS including their representatives, wherever located. This anti-bribery policy also applies to members of Governing Council, Executive Committee and Advisory Committees of BIS and other Committee members at any level.

4. What is Bribery?

4.1 For the purpose of this anti-bribery policy, "Bribery" is defined as an act of offering, promising, giving, accepting or soliciting of an undue advantage of any value (which could be financial or non-financial), directly or indirectly, and irrespective of location(s), in violation of applicable law, as an inducement or reward for a person acting or refraining from acting in relation to the performance of that person's duties'.

4.2 The term "undue advantage" means any gratification whatever, other than legal remuneration. The word "gratification" is not limited to pecuniary gratifications or to gratifications estimable in money. The expression "legal remuneration" is not restricted to remuneration paid, but includes all remuneration which a person is permitted by the Government or the organization, which he serves, to receive.

4.3 Bribery is not limited to the act of accepting undue advantage. Bribery covers the act of obtaining or accepting or attempting to obtain an undue advantage from any person as well as the act of giving or promising to give an undue advantage to another person or persons.

4.4 In short bribery can be defined as giving or receiving something of value to obtain an unfair advantage.

4.5 A bribe is an inducement or reward offered, promised or provided in order to obtain a favourable decision, action or omission from decision-maker to gain any commercial, contractual, regulatory or personal advantage. Bribes can take many forms and common examples included payment of a sum of money, commission, loans, fees, facilitation payments and kickbacks, services, discounts, award of a contract, expensive gifts, expensive entertainments and hospitality, hiring of/employment to relatives, payment of medical expenses, arrangement of and payment for academic studies, payment of travel and accommodation expenses without a legitimate business purpose, free use of vacation apartments, political contributions, charitable donations or sponsorship as a means to channel bribes. Almost all forms of bribery can be conducted either directly or through business associates, such as agents, associates etc.

5. What is acceptable and what is NOT acceptable

5.1 Bribery

5.1.1 Bribery is a criminal offence and all forms of bribery are strictly prohibited. BIS employees and business associates of BIS shall not engage in any other activity that might amount to bribery or otherwise lead to a violation of this anti-bribery policy.

5.2 Gifts, hospitality and other benefits

5.2.1 BIS employees and business associates of BIS shall not engage in offering, promising, giving, accepting or soliciting any gift, hospitality and other benefits in the expectation of or with promise of a business advantage or favour or benefit in return, or as a reward for any business or favour or benefit. This includes free transport, boarding, lodging, lavish hospitality or frequent hospitality or other service or any other pecuniary advantage. A casual meal, lift or other social hospitality is not prohibited.

5.2.2 Subject to provisions of CCS (Conduct) Rules, 1964 as applicable to BIS employees, gift, hospitality or any other benefit is considered acceptable if:

- a) It is not given with intention to influence the receiving party in relation to a business transaction or in implied exchange for any favour or benefit;
- b) It is not made with the suggestion that a return favour is expected and does not create any obligation or expectation on the recipient;
- c) It is permitted by the procedures and code of conduct of the provider's and recipient's organization and complies to applicable laws, rules, regulations and guidelines;
- d) It is not overly frequent;
- e) It accords with stakeholder perception i.e would not be viewed unfavourably by stakeholders were it made known to them;
- f) It is given in the company's name and expenses are fully documented including purpose, approvals and value;
- g) It is not in cash or a cash equivalent (e.g. a voucher or gift certificate);
- h) It is of an appropriate type and value and given at an appropriate time, considering that the reason for the gift should be bonafide;
- i) It is given/received openly and be documented, not secretly and be undocumented;
- j) It is not given selectively to the person concerned in position to award contracts, approve certificates or payments etc. with the intention of directly exerting influence on them.

5.3 Facilitation Payments and Kickbacks

5.3.1 "Facilitation Payment" is a form of bribery in which small payments are made in return for services that the payer is legally entitled to receive without making such payment. It is normally a relatively minor payment made to a public official or person with a certifying function in order to secure or expedite the performance of a routine or necessary action. "Kickback" is a form of bribe to obtain an undue advantage, where a portion of the undue advantage is 'kicked backed' to the person who gave, or is supposed to give, the undue advantage.

5.3.2 BIS employees and business associates of BIS shall not engage in offering, promising, giving, accepting or soliciting facilitation payments and kickbacks.

5.4 Political Contributions

5.4.1 BIS does not make any donation to any political party or candidate.

5.4.2 Subject to provisions of CCS (Conduct) Rules, 1964 as applicable to BIS employees, BIS employees and business associates of BIS shall not make donations, whether in cash, kind or by any other means, to support any political parties or candidates which are intended to influence or could reasonably be perceived to influence in an attempt to gain an improper business advantage. Such contributions shall be permitted by procedures and code of conduct of the donor's organization and by applicable laws, rules and regulations.

5.5 Charitable Contributions

5.5.1 Subject to provisions of CCS (Conduct) Rules, 1964 as applicable to BIS employees, charitable support and donations are acceptable (and indeed are encouraged), whether of in-kind services, knowledge, time, or direct financial contributions. However, BIS employees and business associates of BIS must ensure that charitable contributions are not used as a scheme to conceal bribery and are permitted by procedures and code of conduct of the donor's organization and by applicable laws, rules and regulation.

6. Responsibilities of BIS employees and business associates of BIS

6.1 All BIS employees and business associates of BIS shall ensure that they read, understand and comply with this anti-bribery policy.

6.2 All BIS employees and business associates of BIS are equally responsible for prevention, detection, and reporting of bribery/other forms of corruption in relation to any activity of BIS. They shall avoid any activity that could lead to, or imply, a violation of this anti-bribery policy.

6.3 All BIS employees and business associates of BIS shall notify Director General, BIS and Chief Vigilance Officer, BIS, if they have reason to believe or suspect that an instance of bribery or violation of this anti-bribery policy has occurred or will occur in future.

6.4 Any BIS employee who violates this anti-bribery policy will face appropriate disciplinary action as per applicable rules. BIS reserves the right to terminate a contractual relationship with any employee or business associate who violates this anti-bribery policy.

6.5 Bribery is a criminal offence and any person engaging in the act of bribery is liable to be proceeded against under Prevention of Corruption Act, 1988 and Prevention of Corruption (Amendment) Act, 2018.

7. Raising a concern

7.1 BIS employees, business associates of BIS or any other third party should raise concern about any attempted, suspected and actual bribery or any violation of this anti-bribery policy in relation to any activity of BIS at as early a stage as possible.

7.2 Such concern must be raised in good faith or on the basis of a reasonable belief and not just to exercise revenge or otherwise harm a person or the organization.

7.3 Department of Personnel and Training's Resolution No. 89 dated 21st April, 2004, commonly known as Public Interest Disclosure and Protection of Informers (PIDPI) Resolution, 2004, envisages a mechanism by which a complainant can blow a whistle by lodging a complaint and also seek protection against his victimization for doing so. The Central Vigilance Commission is the designated agency to receive complaints from whistle blowers under the PIDPI Resolution.

7.4 Please see CVC website using the link <https://cvc.gov.in/citizens-corner/whistle-blower-complaints> for details regarding lodging of whistle blower complaints under PIDPI resolution.

7.5 BIS employees and business associates of BIS or any other third party shall notify Director General, BIS and Chief Vigilance Officer, BIS as soon as possible if they are offered a bribe by anyone, if they are asked to make one, if they suspect that they may be bribed or asked to make a bribe in the near future.

8. Protection

8.1 BIS understands that BIS employees and business associates of BIS or any other third party who refuses to accept or offer a bribe or report a concern relating to potential act(s) of bribery, may feel worried about potential repercussions. BIS will support and protect anyone who raises genuine concerns in good faith under this anti-bribery policy, even if their concern ultimately turns out to be unfounded.

8.2 BIS will ensure that no personnel will suffer retaliation, discrimination, or disciplinary action, e.g. by threats, isolation, demotion, preventing advancement, transfer, dismissal, bullying, victimization, or other forms of harassment as a result of refusing to engage in bribery or for raising concerns or making reports in good faith, or on the basis of a reasonable belief, of attempted, actual or suspected bribery or violation of this anti-bribery policy (except where the individual participated in the violation).

8.3 If any BIS employee or business associate of BIS or any other third party has reason to believe they have been subjected to unjust treatment as a result of raising a concern under this policy or refusal to accept or offer a bribe, they should inform Director General, BIS and Chief Vigilance Officer, BIS immediately.

9. Communication

9.1 This anti-bribery policy will be available to all relevant stakeholders including BIS employees and business associates of BIS on BIS website www.bis.gov.in.

9.2 This anti-bribery policy will be communicated to BIS employees and to relevant business associates of BIS. All BIS employees and business associates of BIS shall commit unequivocally to anti-bribery policy of BIS.

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