



# टीएचडीसी इंडिया लिमिटेड THDC INDIA LIMITED

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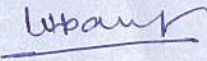
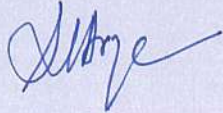
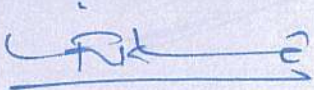
## ANTI-BRIBERY MANAGEMENT SYSTEM MANUAL

DOCUMENT No. THDCIL/ABMS/MNL/01

THDC INDIA LIMITED

Ganga Bhawan, Pragatipuram, Bypass Road,

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## 1.0 TABLE OF CONTENTS

1.0 TABLE OF CONTENTS .....	2
1.1 REVISION HISTORY .....	4
2.0 INTRODUCTION .....	5
2.1 THDC INDIA LIMITED (THDCIL) .....	5
2.2 ANTI-BRIBERY MANAGEMENT SYSTEM (ABMS).....	7
3.0 DEFINITIONS .....	10
3.1 ABBREVIATIONS .....	11
4.0 CONTEXT, SCOPE & CONTROL OF ABMS MANUAL .....	13
4.1 UNDERSTANDING THE ORGANIZATION AND ITS CONTEXT .....	13
4.2 CONTEXT OF THE ORGANIZATION .....	13
4.3 SCOPE .....	16
4.4 ANTI-BRIBERY MANAGEMENT SYSTEM AND ITS INTERACTION .....	18
4.5 ANTI-BRIBERY RISK ASSESSMENT .....	19
4.6 RESPONSIBILITY & AUTHORISATION RELATED TO ABMS MANUAL.....	19
5.0 LEADERSHIP.....	21
5.1 LEADERSHIP AND COMMITMENT .....	21
5.1.1 GOVERNING BODY .....	21
5.1.2 TOP MANAGEMENT:.....	21
5.2 ANTI-BRIBERY POLICY .....	25
5.3 ANTI-BRIBERY COMPLIANCE FUNCTIONS:.....	25
5.4 DELEGATED DECISION-MAKING:.....	26
6.0 PLANNING .....	27
6.1 ACTIONS TO ADDRESS RISKS AND OPPORTUNITIES.....	27
6.2 RISK ASSESSMENT AND PLAN TO MITIGATE/CONTROL: .....	27
6.2 COMPLIANCE OBJECTIVES AND PLANNING TO ACHIEVE THEM:.....	30
6.3 CHANGES TO ABMS.....	31
7.0 SUPPORT .....	32
7.1 RESOURCES .....	32
7.2 COMPETENCE .....	32
7.3 EMPLOYMENT PROCESS .....	32
7.4 TRAINING.....	33
7.5 AWARENESS.....	33
7.6 COMMUNICATION .....	34
7.7 DOCUMENT CONTROL.....	35
8.0 OPERATIONS .....	36
8.1 PLANNING AND CONTROL .....	36
8.2 DUE DILIGENCE.....	46
8.3 FINANCIAL CONTROLS.....	47



8.4 NON-FINANCIAL CONTROL.....	47
8.5 IMPLEMENTATION OF ANTI-BRIBERY CONTROLS BY CONTROLLED ORGANIZATIONS AND BY BUSINESS ASSOCIATES .....	47
8.6 ANTI-BRIBERY COMMITMENTS .....	47
8.7 GIFTS, HOSPITALITY, DONATIONS, AND SIMILAR BENEFITS .....	48
8.8 MANAGING INADEQUACY OF ANTI-BRIBERY CONTROLS .....	48
8.9 RAISING CONCERNS.....	48
8.10 PROCEDURE FOR INVESTIGATION/ACTION INITIATING PROCESSES .....	50
9.0 PERFORMANCE EVALUATION.....	55
9.1 MONITORING, MEASUREMENT, ANALYSIS, AND EVALUATION .....	55
9.2 INTERNAL AUDITS .....	56
9.3 MANAGEMENT REVIEW .....	56
9.4 GOVERNING BODY REVIEW.....	58
9.5 REVIEW BY THE ANTI-BRIBERY COMPLIANCE FUNCTION .....	58
10.0 IMPROVEMENT.....	58
10.1 NONCONFORMITY AND CORRECTIVE ACTION.....	59
10.2 CONTINUAL IMPROVEMENT.....	60





### 1.1 REVISION HISTORY

Sr. No.	Description	Page No.	Current Revision No.	Effective Date
1	INITIAL ISSUE		00	
2				
3				



## 2.0 INTRODUCTION

### 2.1 THDC INDIA LIMITED (THDCIL)

THDCIL is a leading profit-making Public-Sector Enterprise registered in July'1988 under the Companies Act, 1956. THDCIL was conferred 'Mini Ratna–Category-I status in Oct'2009 and upgraded to Schedule 'A' PSU in July'2010 by the Govt. of India.

The Equity of the company was earlier shared between Govt. of India and Government of UP in the ratio of 75:25. Under Strategic Sale, the Share Purchase Agreement was executed between NTPC Limited and the President of India on 25th March'2020 for the acquisition of legal and beneficial ownership of equity held by the President of India in THDCIL. After the Strategic Sale, Equity in THDCIL is shared between NTPC Limited and the Government of UP in a ratio of 74.5% and 25.5%.

The Authorized Share Capital of the Company is ₹ 4000 Cr and the paid-up capital as of 1st Jan'2024 is ₹3665.88 Cr. THDCIL started earning profits from the first year (2006-07) of commercial operation of its maiden project i.e. Tehri HPP (1000 MW) and THDCIL has been a consistently profit-making company since then.

THDCIL was constituted with the sole objective to develop, operate & maintain the 2400 MW Tehri Hydro Power Complex (Tehri HPP-1000 MW, Tehri PSP-1000 MW and Koteshwar HEP-400 MW) and other Hydro projects. THDCIL has expanded its horizons and fully diversified in all types of conventional and non-conventional forms of energy.

Tehri HPP (1000 MW) was commissioned in 2006-07 and Koteshwar HEP (400 MW) in the downstream of Tehri HPP was commissioned during 2011-12.

THDCIL has also commissioned 24 MW Dhukwan Small Hydro Project in district Jhansi in the state of Uttar Pradesh during 2019-20.

Further, with the focus on clean and green energy, THDCIL has also diversified into the Renewable Energy Sector with the commissioning of two Wind Power Projects (50 MW Patan Wind Power Project and 63 MW Dwarka Wind Power Project in Gujarat) during the year 2016-17 and one Solar Power Project (50 MW) at Kasaragod, Kerala in Dec'2020.

The Projects Under Construction of THDCIL include 1000 MW Tehri PSP (Uttarakhand), 444 MW Vishnugad Pipalkoti HEP on river Alakananda (Uttarakhand), and 1320 MW Khurja Thermal Power Project (Uttar Pradesh).

#### Sustainable Development

Sustainable development was formally defined internationally around 1987 as “development which meets the needs of the present without compromising the ability of future generations to meet their own needs”.

THDCIL believes that Sustainable development balances social, economic, environmental, and resource needs, both for present and future generations, simultaneously achieving a vibrant economy, social progress, and a high-quality environment, locally, nationally, and internationally.

THDCIL's approach towards sustainable development is embedded in the Vision Statement. Sustainability criteria of THDCIL: projects must be profitable, environmentally acceptable, and favourably received by the host communities.

The sustainable development principle has been duly taken care of in the construction of the already commissioned Tehri Power Complex and THDCIL is also committed to maintaining the same in under-construction and upcoming projects. In Tehri Power Complex, efforts were made to keep the impact minimum, and the best available mitigation measures were employed to safeguard the environmental component.



## 2.2 ANTI-BRIBERY MANAGEMENT SYSTEM (ABMS)

THDCIL aims to be successful in the long term and needs to establish and maintain a culture of compliance, considering the needs and expectations of interested parties. ABMS, as per ISO 37001:2016 is therefore not only the basis, but also an opportunity, for a successful and sustainable organization.

ABMS is an ongoing process and the outcome of it ensures that THDCIL is meeting its obligations. ABMS is made sustainable by embedding it in the culture of the organization and the behaviour and attitude of the people working for it.

An effective, organization wide ABMS will enable THDCIL to demonstrate its commitment to comply with relevant laws, regulatory requirements, industry codes, and organizational standards, as well as standards of good governance, generally accepted best practices, ethics, and community expectations.

THDCIL's approach to compliance is shaped by the leadership applying core values and generally accepted good governance and ethical and community standards. Embedding ABMS in the behaviour of the people working for an organization depends above all on leadership at all levels and clear values of an organization, as well as an acknowledgment and implementation of measures to promote compliant behaviour and to avoid the risk of noncompliance.

THDCIL is increasingly convinced that, by applying binding values and appropriate ABMS, it can safeguard its integrity and avoid or minimize noncompliance with the organization's compliance obligations. Integrity and effective compliance are therefore key elements of good and diligent management. ABMS also contributes to the socially responsible behaviour of organizations.

One of the objectives of this Manual is to assist THDCIL in developing and spreading a positive culture of ABMS, considering that effective and sound management of ABMS-related



risks should be regarded as an opportunity to pursue and take, due to the several benefits that it provides.

Some of the benefits THDCIL believes because of the implementation of ABMS may be:

- Improving business opportunities and sustainability.
- Protecting and enhancing THDCIL's reputation and credibility.
- Considering the expectations of interested parties.
- Demonstrating THDCIL's commitment to managing its compliance risks effectively and efficiently.
- Increasing the confidence of third parties in the THDCIL's capacity to achieve sustained success.
- Minimizing the risk of a contravention occurring with the attendant costs and reputational damage.

The ABMS Manual provides interpretations/guidance on ABMS and recommended practices, in meeting the requirements of ISO 37001:2016. Both interpretations and the guidance in this Manual are intended to be adaptable for implementation.

While implementing ABMS, THDCIL will be following the model proposed by ISO 37001:2016



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### 3.0 DEFINITIONS

1. **Audit:** systematic and independent process for obtaining evidence and evaluating it objectively to determine the extent to which the audit criteria are fulfilled.
2. **Competence:** ability to apply knowledge and skills to achieve intended results.
3. **Compliance:** meeting all the organization's compliance obligations.
4. **Compliance culture:** values, ethics, beliefs, and conduct that exist throughout an organization, and interact with the organization's structures and control systems to produce behavioural norms that are conducive to compliance.
5. **Compliance function:** a person or group of persons with responsibility and authority for the operation of the compliance management system.
6. **Compliance obligations:** requirements that an organization mandatorily has to comply with as well as those that an organization voluntarily chooses to comply with.
7. **Compliance risk:** the likelihood of occurrence and the consequences of noncompliance with the organization's compliance obligations.
8. **Conformity:** fulfilment of a requirement.
9. **Continual improvement:** recurring activity to enhance performance.
10. **Conduct:** behaviours and practices that impact outcomes for customers, employees, suppliers, markets, and communities.
11. **Corrective action:** action to eliminate the cause(s) of a nonconformity, and to prevent recurrence.
12. **Documented information:** information required to be controlled and maintained by an organization, and the medium on which it is contained.
13. **Effectiveness:** the extent to which planned activities are realized and planned results are achieved.
14. **Governing body:** person or group of persons that has the ultimate responsibility and authority for an organization's activities, governance, and policies, and to which top management reports and by which top management is held accountable.
15. **Interested party (preferred term)/stakeholder (admitted term):** person or organization that can affect, be affected by, or perceive itself to be affected by a decision or activity.





16. **Management system:** a set of interrelated or interacting elements of an organization to establish policies, and objectives as well as processes to achieve those objectives.
17. **Measurement:** process to determine a value.
18. **Monitoring:** determining the status of a system, a process, or an activity.
19. **Noncompliance:** non-fulfilment of compliance obligations.
20. **Nonconformity:** non-fulfilment of a requirement.
21. **Objective:** result to be achieved.
22. **Organization:** a person or group of people that has its functions with responsibilities, authorities, and relationships to achieve its objectives.
23. **Performance:** measurable result.
24. **Personnel:** individuals in a relationship recognized as a work relationship in national law or practice, or in any contractual relationship that depends on its activity from the organization.
25. **Policy:** intentions and direction of an organization, as formally expressed by its top management.
26. **Procedure:** the specified way to carry out an activity or a process.
27. **Process:** a set of interrelated or interacting activities that use or transform inputs to deliver a result.
28. **Requirement:** need or expectation that is stated, generally implied, or obligatory.
29. **Risk:** effect of uncertainty on objectives.
30. **Third party:** person or body that is independent of the organization.
31. **Top management:** a person or group of people who directs and controls an organization at the highest level.

### 3.1 ABBREVIATIONS

MR	Management Representation
QPR	Quarterly Progress Report



GNG	Geology and Geotechnical
S & I	Survey and Investigation
O&M	Operation & Maintenance
HM	Hydro Mechanical
IT	Information Technology
CSR	Corporate Social Responsibility
HoD	Head of Department
CVO	Chief Vigilance Officer
CVC	Central Vigilance Commission
CDA	Conducts, Discipline and Appeal
MoP	Ministry of Power
VAW	Vigilance Awareness Week
DoPT	Department of Personnel & Training
CTE	Chief Technical Examiner
R&D	Research and Development
DoP	Delegation of Power
IMS	Integrated Management System
QMS	Quality Management System
MPS	Monitoring and Project Services

## 4.0 CONTEXT, SCOPE & CONTROL OF ABMS MANUAL

### 4.1 UNDERSTANDING THE ORGANIZATION AND ITS CONTEXT

This 'ANTI-BRIBERY MANAGEMENT SYSTEM Manual' has been evolved for formulating the organization, responsibilities, and policies of THDCIL for implementing an ANTI-BRIBERY MANAGEMENT SYSTEM (ABMS) to meet the content and purpose of the company's ABMS Policy, objectives and for providing direction with discipline to all members of the organization for the same.

### 4.2 CONTEXT OF THE ORGANIZATION

#### i) External and Internal issues

The organization determines external and internal issues that are relevant to its purpose and strategic direction and that affect its ability to achieve the intended results of its ABMS Management System. The organization monitors and reviews information about these external and internal issues through periodical feedback and internal audits of different processes.

#### Internal Issues Specific to ABMS:

- a) Technical evaluation not as per PQ criteria / Definition of similar work
- b) Ambiguity in Price bid format
- c) Reduction in Bid Submission Period
- d) Late signing of Agreement/ Non-submission of Performance Security
- e) Goods not delivered in scheduled time period.
- f) Non-fulfilment of statutory requirements viz. Labour Insurances/ Public Liability Insurance/ EPF/GST/Labour Cess related issues.
- g) Recommendation for Limited Tendering / Arbitrary selection of bidders.
- h) Quality not as per specifications
- i) Approvals for letting the contractor sublet a portion of the contract.
- j) Extension of Contracts on same Terms & Conditions



- k) Creating awareness of ABMS among business associates of THDCIL, and the consequences of not following it.
- l) Duplicity of work
- m) Incomplete project by Contractor/NGO
- n) Fake invoices/ expenditure certificates submitted by NGO
- o) Eligibility / Experience requirement not clearly mentioned in advertisement
- p) Proper justification not mentioned for procuring Proprietary items.
- q) Corruption (bribery) related practices
- r) Medical reimbursement to non-eligible
- s) Misuse/ personal use of Govt. Funds, facilities
- t) Awareness of ABMS.
- u) Handling of ambiguous complaints

**External Issues Specific to ABMS:**

- a) Awareness of the bidders related to various laid down procedures of General Finance Rule and THDCIL's Procurement & Work Policy
- b) Creating awareness of business associates for ABMS, and the consequences of not following it.
- c) Handling of complaints from Ministries

**ii) Interested parties and their Needs & Expectations/Requirements for ABMS:**

The organization determines and reviews once a year in a Management Review Committee meeting, the needs, and expectations/ requirements of interested parties such as:

S. No	Interested Parties	Needs and Expectations/Requirements
1	Employees	Awareness of ABMS, and consequences of not following it.
2	Ministries of Central & State Govt.	Handling of complaints as per CVC Manual
3	Governing Body.	Zero tolerance on corruption, and implementation of all applicable Indian laws related to Corrupt Practices



4	Customers.	Image Building, less litigation, and more business.
5	Business Associates (Suppliers/Vendors/Fin ancers/Consultant/Sub -contractors, etc.)	Freedom of raising concern



#### 4.3 SCOPE

The boundary for ABMS Implementation: Corporate office and NCR Office:

Sr. No	Project Site	State
1.	Corporate Office, Rishikesh	Uttarakhand
2.	NCR Office, Sector-14, Kaushambi, Ghaziabad	Uttar Pradesh

This includes the ABMS management system requirements as per ISO 37001:2016 for the following activities:

**“Provisioning for Electricity Generation, Transmission, Trading, and associated activities related to Hydro, Thermal, Solar, and Wind Power.”**

**The possible Legal requirements applicable for the above scope for ABMS will:**

1. Air (Prevention and Control of Pollution) Act, 1981 Amended in 1987
2. Arbitration and Conciliation Act, 1996
3. Apprentices Act, 1961
4. Building and Other Construction Workers (Regulations of Employment and Conditions of Service) Act, 1996, Central Rules, 1998
5. Child and Adolescent Labour (Prohibition & Regulation) Act, 1986 and Rules, 1986
6. Companies Act, 2013 and Rules thereunder
7. SEBI Regulations as applicable
8. Contract Labour (Regulation and Abolition) Act, 1970



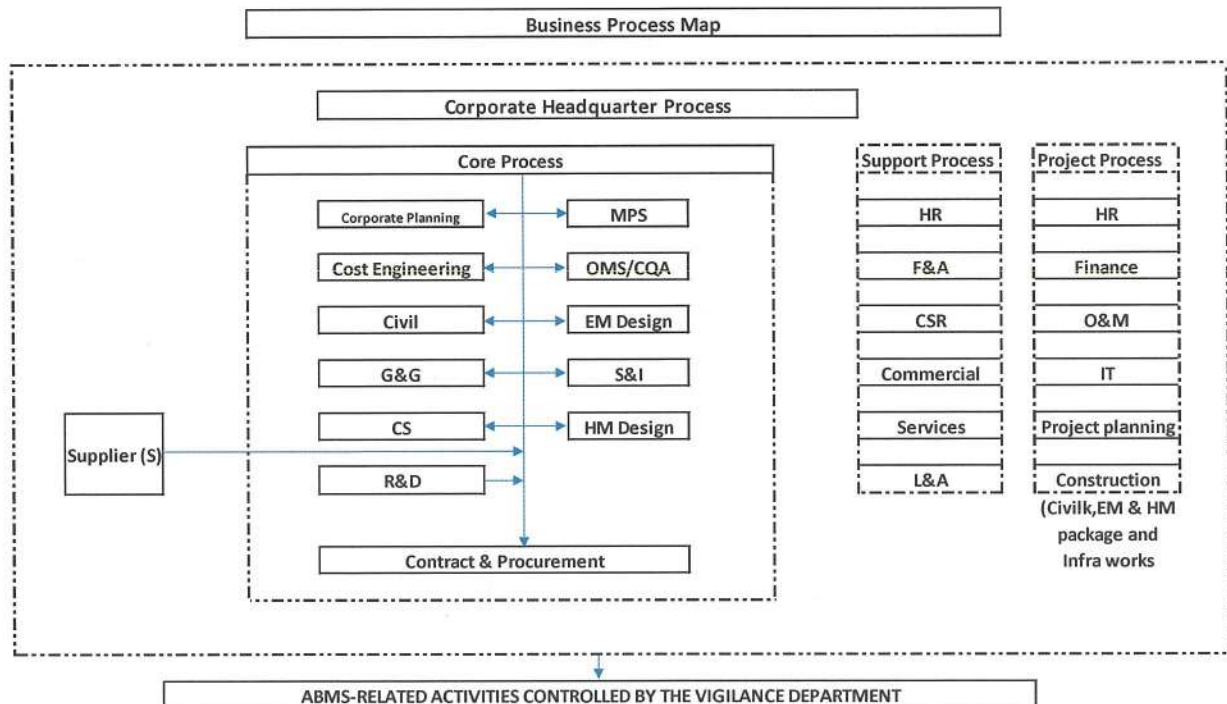
9. Contract Labour Act, 1970 and Rules, 1971
10. Central Vigilance Commission Act, 2003
11. Employees Provident Fund & Misc Provisions Act, 1952
12. EDLI (Employee's Deposit Linked Insurance Scheme, 1976 (Death Benefit)
13. Environment (Protection) Act, 1986 & Environment (Protection) Rules, 1987
14. Employees' Pension Scheme, 1995
15. Employees State Insurance Act, 1948
16. Factories Act, 1948 & U.P. Factory Rules, 1950
17. Forest Conservation Act, 1980 & Forest Conservation Rules, 2003
18. Income-tax Act, 1961 as amended by Finance Act, 2020 & Income – Tax Rules, 1962
19. Indian Electricity Act, 2003 and Rules 2005
20. Industrial Disputes Act, 1947
21. Industrial Employment (Standing Order) Act, 1946 22) The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 (also Land Acquisition Act, 2013)
22. Maternity Benefit Act, 1961
23. Minimum Wages Act, 1948 and Rules, 1950
24. Motor Vehicles Act, 1988 as amended in 1994, and the Central Motor Vehicles Rules, 1989
25. Payment of Gratuity Act, 1972
26. Payment of Wages Act, 1936
27. Payment of Bonus Act, 1965
28. Prevention of Corruption Act (1988)
29. Right to Information Act, 2005 30) Sexual Harassment at the Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013
30. Trade Union Act, 1926
31. Uttarakhand Value Added Tax Act, 2005 and Rules, 2005
32. Water (Prevention and Control of Pollution) Act, 1974 Amended 1988 & Rules 1975
33. Wildlife (Protection) Act, 1972 Amended in 2002 & Rules 1995
34. The Whistle Blowers Protection Act, 2014

35. Employee's Compensation Act, 1923 & Rules 1924 36) IGST (Integrated Goods and Services Tax) Act, 2017 37) CGST (Central Goods and Services Tax) Act, 2017 38) Uttarakhand GST Act, 2017 39) GST (Compensation to States) Amendment Act, 2017
36. Any other Act, Amendment , law ,rules ,regulations, bylaws etc.

**Institutionalized:**

1. THDCIL CDA (Conduct, Discipline & Appeals) Rules, 1990
2. THDCIL Rules (General Terms and Conditions of Service)
3. All rules , Policies , Circulars , Office Orders etc. , prevalent and issued from time to time in THDCIL.

**4.4 ANTI-BRIBERY MANAGEMENT SYSTEM AND ITS INTERACTION**



#### 4.5 ANTI-BRIBERY RISK ASSESSMENT

THDCIL has established a system to prepare a risk assessment Methodology concerning ABMS related to the internal and external issues identified under clause 4.2 of this section.

THDCIL will undertake a regular bribery risk assessment(s) to assess risks at regular intervals, at least once a year, or as and when a bribery incident is reported. THDCIL has considered the Bribery-related incidents that happened in the past and established metrics to assess the level of risk.

For processes related risks and opportunities (other than anti-bribery) are addressed under IMS & QMS Manual. For normal processes-related risks where the Bribery risk is LOW or NONE, is addressed under the IMS Manual, reference documents No. THDCIL/ABMS/MNL/01. Bribery-related (inputs from past issues/concerns) is documented in a risk register. The Risk assessment method is described under section 6 of the ABMS manual.

Records of risk assessment shall be retained as referred below.

##### Cross Reference:

1. Master List of Documents: THDCIL/ABMS/FMT/05
2. ABMS Risk Assessment Register Document No. THDC/ABMS/RGR/01, revision 00.

#### 4.6 RESPONSIBILITY & AUTHORISATION RELATED TO ABMS MANUAL

It is the responsibility of the Top management to decide the contents, and policies described in this manual. Dy. CVO is designated as a Management Representative by Top Management for ABMS. The effort for evolving this manual is coordinated by the Deputy CVO. The Manual will be finally approved by the Top management.



#### 4.7 ISSUE & DISTRIBUTION CONTROL

The title page of the manual gives the manual Document No., ~~No.~~ Revision No., and its date of issue. The ABMS MR is responsible for maintaining the master copy of this manual duly identified by the original signatures of the approving authority on the cover page.

For the operation of the ABMS described in this manual, the copies are marked with distinct copy nos. & issued to the required functions by the ABMS MR duly stamped as 'controlled copy'. However, a copy of the same with the watermark "Controlled Copy" has been uploaded on THDCIL intranet IP which shall be readily available to THDCIL's employees for its use. Printing of this document is prohibited. However, if felt necessary to print this document, the same must be destroyed after use/reference/discussion using shredding. The printouts of these copies have no significance and are only meant to serve the purpose of reference. ABMS MR office is not responsible for the authenticity of these printout copies.

ABMS MR may also issue uncontrolled copies of this manual for general information or any commercial/business promotional purposes. Such copies shall not carry any copy no., shall be stamped as 'uncontrolled copy' on the title page, and shall have no contractual binding on the company for their updating, in case of any revisions.

This ABMS Manual shall always be read along with the Annexure I, where Applicable Document Nos are documented, other than wherever quoted.

**Cross Reference: Master List of Documents THDC/ABMS/FMT/05**

## 5.0 LEADERSHIP

### 5.1 LEADERSHIP AND COMMITMENT

Top Management (CMD) has defined the roles and responsibilities of the process owners, and subsequently, the process owners acting as leaders of their process have further defined the roles and responsibilities of personnel working with them for the organization.

#### 5.1.1 GOVERNING BODY

The Board of Directors of THDCIL acts as a Governing Body, which demonstrates leadership and commitment concerning the anti-bribery management system. The roles and responsibilities of the Governing Body, related to the Anti-Bribery Management System will be as under, apart from other normal duties:

- a) approving the organization's anti-bribery policy.
- b) ensuring that the organization's strategy and anti-bribery policy are aligned.
- c) at planned intervals, receiving and reviewing information about the content and operation of the organization's anti-bribery management system.
- d) requiring that adequate and appropriate resources needed for the effective operation of the anti-bribery management system are allocated and assigned.
- e) exercising reasonable oversight over the implementation of the organization's anti-bribery management system by top management and its effectiveness.

#### 5.1.2 TOP MANAGEMENT:

The CMD of THDCIL is designated as Top Management. The roles and responsibilities assigned to the chair for ABMS, other than his designated roles and responsibilities to:

- a) Ensure that the anti-bribery management system, including policy and objectives, is established, implemented, maintained, and reviewed to adequately address the organization's bribery risks.
- b) Ensure that the integration of the anti-bribery management system requirements into the organization's processes is done.

- c) Deploy adequate and appropriate resources for the effective operation of the anti-bribery management system.
- d) Communicate internally and externally regarding the anti-bribery policy.
- e) Communicate internally the importance of effective anti-bribery management and conformance to the anti-bribery management system requirements.
- f) Ensure that the anti-bribery management system is appropriately designed to achieve its objectives.
- g) Direct and support personnel to contribute to the effectiveness of the anti-bribery management system.
- h) Promote the appropriate anti-bribery culture within the organization.
- i) Promote continual improvement.
- j) Support other relevant management roles to demonstrate their leadership in preventing and detecting bribery as it applies to their areas of responsibility.
- k) Encourage the use of reporting procedures for suspected and actual bribery.
- l) Ensure that no person will suffer retaliation, discrimination, or disciplinary action for reports made in good faith, or based on a reasonable belief of violation or suspected violation of the organization's anti-bribery policy, or for refusing to engage in bribery, even if such refusal can result in THDCIL losing business (except where the individual participated in the violation).
- m) Report the governing body at planned intervals, on the content and the operation of the anti-bribery management system and the allegations of serious or systematic bribery.

Other than the Governing Body, and CVO the roles and responsibilities of key THDCIL personnel are defined in respective IMS departmental manuals. Apart from their regular roles and responsibilities, the respective HOD/Process Owners shall also be responsible for:

- a) Ensuring the effectiveness of ABMS
- b) Promoting awareness of ABMS
- c) Communicating to the employees and business associates, the importance of ABMS, and the consequences in case deviate from ABMS.



Each HOD/process owner has identified Nodal Officers for their area of operation, through an office order, which is available in the department, to handle issues related to ABMS and report the same to the HOD/process owner.

#### **Responsibility of Dy. CVO**

Dy. CVO, Vigilance dept. plays a critical role in combating corruption. His functions include collecting intelligence about the corrupt practices committed, or likely to be committed by the employees of his Organization; investigating or causing an investigation to be made into allegations reported to him, processing investigation reports for further consideration of the disciplinary authority concerned, reporting the matters to the CVO for taking necessary actions and taking steps to prevent improper practices and commission of misconduct, Preparation of agreed list etc. in compliance with CVC guidelines.

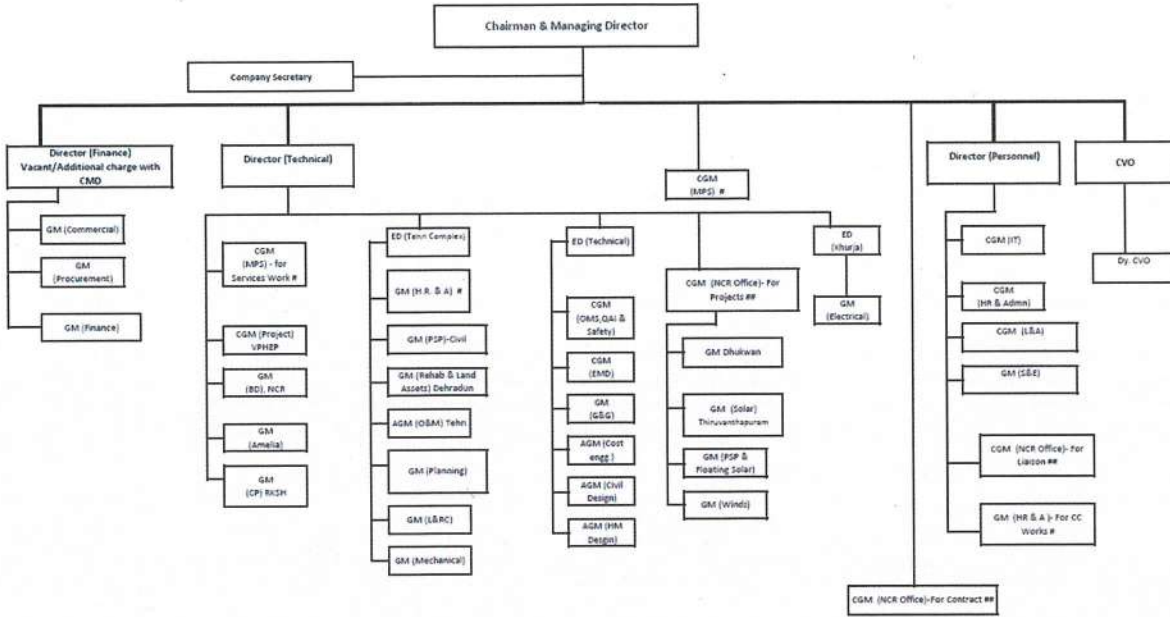
#### **Management Representative**

Top Management has appointed Deputy CVO as management representative for the purpose of ABMS. The Management Representative (MR) apart from his/her normal function of Deputy CVO, shall also be responsible for:

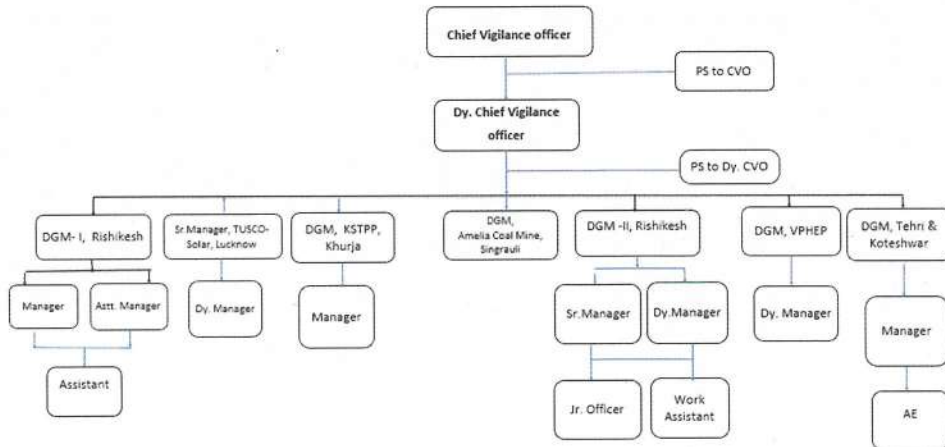
- a) Circulating ABMS-related documentation
- b) Managing Internal and External Audits
- c) Reporting to the Top Management about the performance of ABMS.
- d) Ensuring effective implementation of ABMS.



OVERALL ORGANIZATION CHART



VIGILANCE DEPARTMENT ORGANIZATION CHART



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## 5.2 ANTI-BRIBERY POLICY

THDCIL is committed to **Provisioning for Electricity Generation, Transmission, Trading, and associated activities related to Hydro, Thermal, Solar, and Wind Power** through customer friendly, efficient, 'Transparent system' and carries out all its activities in a manner that ensures an effective 'Anti-Bribery Management System'.

### THDCIL ABMS POLICY

THDC INDIA LIMITED is committed for prohibition of bribery through compliance with applicable anti bribery laws by continually improving anti bribery management system for setting, reviewing and achieving anti bribery objectives by satisfying anti bribery management system requirements for generation, transmission and trading of power.

THDC INDIA LIMITED has defined authority and independence to the anti-bribery compliance function which encourages raising genuine concerns without fear of reprisal and make all employee aware about consequences of not complying with above policy.

NOTE: The above policy is under approval

## 5.3 ANTI-BRIBERY COMPLIANCE FUNCTIONS:

The top management has assigned the ABMS Compliance function to the **Vigilance Department**:

The vigilance department will be responsible for:

- overseeing the designing, establishing, and maintaining of the ABMS Manual.
- implementation of the ABMS
- providing advice and guidance to personnel on the anti-bribery management system and issues relating to bribery, and where necessary providing training and awareness of ABMS.



- d) ensuring that the anti-bribery management system conforms to the requirements of CVC Manual 2021 and ISO 37001:2016.
- e) reporting on the performance of the ABMS to the governing body and top management and other compliance functions as appropriate.

**CROSS-REFERENCE: CVC MANUAL 2021**

**5.4 DELEGATED DECISION-MAKING:**

CVO may delegate the Deputy CVO the authority for the making of decisions about which there is more than a low risk of bribery.

The delegation of power shall be done through an office order issued by CVO.

Wherever the Deputy CVO takes a decision, the process shall be reviewed by Top Management, from time to time, or as appropriate to avoid any potential conflicts of interest. Top management will ensure that these processes are reviewed periodically as part of its role and responsibility for implementation.

## 6.0 PLANNING

### 6.1 ACTIONS TO ADDRESS RISKS AND OPPORTUNITIES

While planning for the anti-bribery management system, THDCIL has considered the internal, and external issues, needs and expectations of interested parties, the risks, and opportunities as identified to:

- a) Provide reasonable assurance that the anti-bribery management system can achieve its objectives.
- b) Controls for preventing, or reducing, undesired effects relevant to the anti-bribery policy and objectives.
- c) Methods to monitor the effectiveness of the ABMS
- d) Strive for achieving continual improvement.

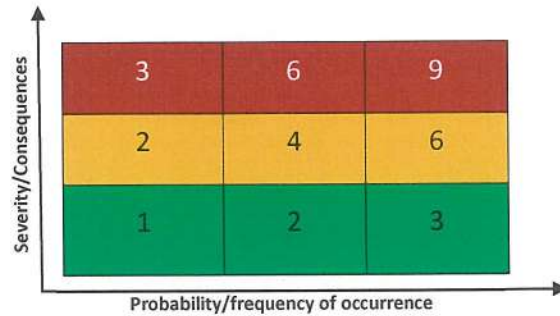
THDCIL has determined controls:

- actions to address these bribery risks and opportunities for improvement.

### 6.2 RISK ASSESSMENT AND PLAN TO MITIGATE/CONTROL:

The Risk Assessment for the issues identified under section 4.0 shall be carried out as per the following methodology:

- a) The method adopted by THDCIL for determining ABMS-related risks shall be a product of the Probability/Frequency of occurrence of an issue multiplied by the Severity/consequences that can arise or be initiated from the identified issue.
- b) The metrics to determine the risk level shall be as follows:



c) Probability/Frequency of Occurrence:

Probability/Frequency	Score
Once in three years	1
Once in two years	2
Once or more than once a year	3

d) Severity/Consequences:

Severity/Consequences	Score
No corruption charges found	1
The investigation transferred to the external agency (e.g., CBI MOP, Ombudsmen, etc.)/Suspension/Case under investigation/Minor Penalty,	2
Prosecution/Termination/Charge sheeted/Major Penalty	3

e) Risk Level:

i. High:

- I. When the product of Severity/Consequences, and Probability/Frequency is **9**, that means both Severity/Consequences and Probability/Frequency is at **3 each**
- II. When the product of Severity/Consequences and Probability/Frequency is **6**, that means Severity/Consequences is **3** and Probability/Frequency is **2**.
- III. When the product of Severity/Consequences and Probability/Frequency is **3** and Severity/Consequences is **3** but Probability/Frequency is **1**.



ii. **Moderate:**

- I. When the product of Severity/Consequences, and Probability/Frequency is **6**, with a condition that the Severity/Consequences is **2**.
- II. When the product of Severity/Consequences and Probability/Frequency is **4**, that means both Severity/Consequences and Probability/Frequency are at **2 each**.
- III. When the product of Severity/Consequences and Probability/Frequency is **2**, Where Severity/Consequences is **2** but Probability/Frequency is at **1**.

iii. **Low:**

- I. When the product of Severity/Consequences, and Probability/Frequency is **3**, with a condition that the Severity/Consequences is **1**.
- II. When the product of Severity/Consequences and Probability/Frequency is **2**, that means Severity/Consequences is at **1** and Probability/Frequency is at **2**.
- III. When the product of Severity/Consequences and Probability/Frequency is **1**, that means both Severity/Consequences and Probability/Frequency are at **1 each**.

f) Risk Mitigation/Control Plan:

The Risk Mitigation/Control plan is described in the Risk Register for at least **Significant Risks**.

A process approach has been followed while assessing the risks for ABMS purposes. THDCIL has done the Risk assessment following ISO 31000:2018 for all activities of all the business processes. Through a brainstorming session activities that have the probability of ABMS (considering the 3-year historical data) are retained in the ABMS risk register.

**Cross Reference: The Risk Register THDC/ABMS/RGR/01.**

## 6.2 COMPLIANCE OBJECTIVES AND PLANNING TO ACHIEVE THEM:

The Vigilance Department has determined, documented, and established Compliance Objectives. The established compliance objectives are measured and monitored on a regular basis and analyzed to determine the effectiveness of ABMS, as well as compliance. The analysis is done once a year. The established objectives are:

- a) Periodic/surprise inspection of various Projects/Deptt. of the THDCIL.
- b) Intensive (CTE Type) Examination of Works.
- c) Review of Property Returns submitted by the employees of THDCIL.
- d) Submission of Quarterly Performance Report to CVC/Ministry.
- e) Scrutiny of Govt. Audit Reports.
- f) Issuance of Vigilance status of employees for Promotion/NOC for Passport/Deputation/Retirement/Resignation/Foreign Visit etc.
- g) Organizing and completion of activities for Vigilance Awareness Week as per the Direction of the CVC.
- h) Preparation & submission of Agreed List and list of Officers of Doubtful Integrity (ODI) to CVO.
- i) Preparation & submission of Vigilance Status of Board Level Executives to the MOP by 5<sup>th</sup> of each month.

THDCIL Vigilance Department has established, documented, and maintained an Action Plan to achieve the aforesaid objective.

### **Cross Reference: The Plan for Objectives THDC/ABMS/PLN/01**

HRD has determined its objective for awareness of ABMS, including Policy and importance.

- Sessions to be arranged for 100% of THDCIL employees by May 2025.

HRD has established an Action Plan describing their strategy for achieving the aforesaid objective.



Cross Reference: The Plan for Objectives THDC/ABMS/PLN/02

### 6.3 CHANGES TO ABMS

As appropriate, THDCIL will identify the need for changes to the ABMS. THDCIL will observe the following controls while planning for changes:

- a) The purpose of the changes and their potential consequences.
- b) The design and operational effectiveness of the ABMS.
- c) The availability of adequate resources.
- d) The allocation or reallocation of responsibilities and authorities.





## 7.0 SUPPORT

### 7.1 RESOURCES

The Governing Body and the Top Management of THDCIL have provided the resources needed for establishing, implementing, maintaining, and continually improving the ABMS. THDCIL's IE department is responsible for evaluating the adequacy of manpower as per their established criteria.

**Cross Reference: Norms for allocation of Manpower for Hydro Projects & PSPs for CPSUs dated 12th September 2023.**

### 7.2 COMPETENCE

THDCIL has:

- a) Determined the necessary competence of person(s) doing work under its control that affects its ABMS performance.
- b) Ensured that these persons were competent based on appropriate education, training, or experience.

THDCIL will provide training, etc., where necessary, to acquire the necessary competence, and will evaluate the effectiveness of the actions taken.

Records are being maintained, as evidence of competence.

**Cross Reference:**

1. Training Plan
2. Orientation training
3. Competency manual/circular

### 7.3 EMPLOYMENT PROCESS

THDCIL's HR (recruitment) has an established policy and procedure for recruitment. THDCIL's HR (Establishment) has an established process to conduct an Antecedent Check within one year of joining, as a part of due diligence.

**Cross Reference: Recruitment Policy & Procedures**

## 7.4 TRAINING

THDCIL provides relevant personnel with training, from the time of commencement of employment and at planned intervals, or as and when needed, and or as guided by the Departments.

While identifying the needs for training following are being considered:

- a) That the training is appropriate to the roles of personnel and the ABMS risks to which personnel are exposed.
- b) The effectiveness of the training is assessed for its effectiveness.
- c) Training needs reviewed regularly, by the departments, and are provided to HR for arranging the training.

The content of the training will include identified ABMS Risks and awareness of the established ABMS. This may include the Business Associates and other relevant interested parties. While determining the need for training to Business Associates priority shall be given to those who pose a compliance risk to the THDCIL.

HR has a planned strategy to cover all THDCIL employees.

Training records are retained by the HR training department.

Cross Reference:

1. Training plan and Training record.
2. Induction training program.

## 7.5 AWARENESS

THDCIL has adequate resources through various channels and appropriate methods to provide awareness to its employees regarding:

- a) The ABMS policy.
- b) Their contribution to the effectiveness of the ABMS, including the benefits of improved compliance performance.

- c) The implications of not conforming with the ABMS.
- d) The appropriate methods and processes for ABMS-related concerns.
- e) The importance of the ABMS policy and the compliance obligations relevant to their role.
- f) The importance of supporting ABMS culture.
- g) Awareness to business associates is being provided by incorporating an anti-bribery clause in tender documents.

## 7.6 COMMUNICATION

### Internal Communication

THDCIL Vigilance department will be responsible for communication related to ABMS for the THDCIL employees via various methods, like, e-mail, IOM, telephonic, virtual meetings, etc.

While communicating Vigilance department shall ensure that:

- a) It includes communication of its compliance culture, objectives, and obligations.
- b) Communication is consistent.

### External Communication

CVO has delegated powers to Deputy CVO to externally communicate, in his absence or as directed, related to compliance with Interested parties (Like MOP/External investigation agencies, etc.).

The departments involved in procurement/contract/work order will be responsible for external communication of the Integrity Pact/Procurement Policy consisting of corruption and subsequent consequences details.

External Communication by the Vigilance department will be done as per CVC Manual 2021.

**Cross Reference: Clause no. 3.3, 9.5, 6.11 & 6.12 of CVC manual.**

**Cross Reference: Approval of delegation of power to Dy.CVO**





## 7.7 DOCUMENT CONTROL

The creating and updating, control, and retention of documented information shall be implemented as described under the procedure for Documented Information No. THDCIL/ABMS/PRC/01.

**Cross Reference: DOC. No.: THDCIL/ABMS/PRC/01**

**Cross Reference: Record Manual THDCIL/RKSH/CS/F-131/1950**

## 8.0 OPERATIONS

### 8.1 PLANNING AND CONTROL

THDCIL has identified the necessary controls, determined from the output of the Risk Assessment Process. The details of criteria and controls for ABMS operation are documented in CVC Manual (Vigilance Manual 2021).

Records as required by the Vigilance Manual 2021 are maintained and retained to have confidence that the processes have been carried out as planned.

The following activities are being carried out in the Vigilance department:

#### Process Activities

S.No.	Description
1	Complaint Handling & Investigation
2	Systemic Improvements on the Outcome / Punitive Action Recommendation
3	Preparation of Quarterly Performance Report and quarterly Progress Report of works in progress.
4	Preparation of Monthly Report on Review Mechanism to ensure probity among THDCIL employees
5	Monthly Report on 'Status of Pending Disciplinary Proceedings'
6	Annual Report of Personal Foreign Visits of THDCIL Employees
7	Preparation of Agreed List and List of Officers of Doubtful Integrity (ODI)
8	Vigilance clearance/ Status
9	Scrutiny of Audit Reports
10	Scrutiny of Annual Property Returns
11	Routine/Periodic and Surprise Inspections
12	CTE type Inspections

13	Observance of Vigilance Awareness Week
14	Online updating vigilance status of below board level executives in SOLVE Portal of DoPT

The planning of changes and reviewing the consequences of unintended changes, taking action to mitigate any adverse effects, will be done through the Risk Assessment process.

THDCIL has laid appropriate controls for externally provided processes, products, or services, that are relevant to the ABMS.

THDCIL Vigilance department carries out inspections, as planned or as necessary, to monitor that the third-party processes are effectively controlled.

#### Controls and Procedures

The planning of changes and reviewing the consequences of unintended changes, taking action to mitigate any adverse effects, will be done through the Risk Assessment process.

THDCIL has laid appropriate controls for externally provided processes, products or services that are relevant to the ABMS.

THDCIL Vigilance department carries out inspections, as planned or as necessary, to monitor that the third-party processes are effectively controlled.

#### Other Operational Controls:

#### Various Timelines related to complaints:

The specified timelines in Para 7.3 of the complaint handling mechanism of the commission circulated vide no. 021/VG/051-500040 dated 24.12.2021 and Para 2 (G) circulated vide no. 021/VG/051 dated 03.11.2022 shall be adhered to.



**Miscellaneous (Systemic Improvements):**

Every complaint and the resultant investigation report shall be scrutinized thoroughly to find out the possibility of the systemic lacunae that may have resulted in irregular acts being committed by the suspected officials. Based on the Inspection Report, the punitive action is proceeded against the charged official as per CDA rules of THDCIL. The outcome of such scrutiny should be utilized to devise and implement systemic improvements to stop the recurrence of such irregular acts.

**Preparation of Quarterly Performance Report, Quarterly Progress Report of works in progress, and Quarterly Report on Action Plan:**

- a. QPRs & Quarterly Report on action plan shall be prepared and submitted to CVC & MOP respectively every quarter as per the directives of CVC & MOP.
- b. The designated officer shall collect the data from the procurement & Contracts Deptt. of the concerned units / HR / Electrical Contracts Deptt. / Civil Contracts Deptt. / concerned units / deptts. / Site Vigilance Units and compile them in the specified formats as per CVC / MOP.
- c. The QPRs & Quarterly Report on the action plan will be approved by the CVO and after that, the same will be submitted to CVC & MOP respectively.
- d. A copy of the report will be retained in the respective file for reference.

**Monthly Report on 'Review Mechanism to ensure probity among THDCIL Employees'**

- a) In order to ensure probity and efficacy amongst the CPSES employees, it was desired by GOI that DOPT will obtain certain information with regard to "Pending cases for prosecution, Sensitive posts, Implementation of Rotation policy and Details of Status of Pending disciplinary cases" in a standardized format and monitor it regularly.
- b) The designated officer collects the data from the disciplinary monitoring cell and compiles them in the prescribed formats.
- c) Subsequently, the report is approved by the CVO and after that, the same is submitted to MOP.



d) A copy of the report is retained in the respective file for reference.

#### Monthly Report on 'Status of Pending Disciplinary Proceedings'

- a. In order to ensure timelines and monitoring of the pendency of Disciplinary Proceedings, it was desired by CVC that the Status of Pending Disciplinary Proceedings in standardized formats shall be monthly reported to MOP.
- b. The designated officer shall collect the data from the disciplinary monitoring cell and compile them in the prescribed formats.
- c. Subsequently, the report is approved by the CVO and after that, the same is submitted to MOP.
- d. A copy of the report is retained in the respective file for reference.

#### Annual Report of Personal Foreign Visit of THDCIL Employees

- a. As per Central Vigilance Commission's directions & guidelines, the details & data bank in respect of private foreign visits undertaken by the employees of the organization during the preceding calendar year by the end of January every year would be maintained by the CVO of the organization concerned in the format prescribed by the commission. Such information would be made available to the Commission at short notice, as and when required, by the CVOs concerned.
- b. The designated officer shall collect the data from all concerned units/ departments and compile them in the prescribed formats.
- c. Subsequently, the report is approved by the CVO and after that, the same is retained in the respective file for reference submitted to MOP.
- d. As per CVC's directions, such information would be made available to the Commission at short notice, as and when required, by the CVOs concerned.



**Preparation of Agreed List and List of Officers of Doubtful Integrity (ODI):**

**Agreed List:**

The agreed list will contain the names of those executives against whose integrity or honesty, there are complaints doubts or suspicions. The agreed list will be settled between the CMD and the SP of the local branch of CBI / ACB. These agreed lists will remain in force for one year from the date of preparation. At the end of this period, the list will be reviewed and the name of those officers against whom there is not sufficient evidence to proceed will be deleted from the list. The action in respect of officers on these agreed lists shall be taken as per Para 7 of Ministry of Home Affairs O.M. No. 130/1/66-AVD dated 5th May 1966.

**List of Officers of Doubtful Integrity (ODI):**

It will include names of those officers only who, after inquiry or during the course of an inquiry, have been found to be lacking in integrity. The list of executives of doubtful integrity shall be prepared & maintained as per the scheme laid down in Ministry of Home Affairs O.M. No. 105/1/66-AVD-I dated 28.10.1969. The ODI list will be jointly signed by the CMD and CVO of the organization concerned and shared with the CBI. The Central Bureau of Investigation will suggest the addition or deletion of names based on information available to them and return the lists to Secretaries/Heads of Departments concerned.

When the name of an officer will be entered into the list for good and adequate reasons, it will not be removed until a period of three years has elapsed. The period of three years for which the name will be current on the list will count from the date of punishment in disciplinary proceedings or from the date of conviction in a court trial. After this period, the cases of such officers may be reviewed by the Ministry/Department concerned in consultation with the Central Bureau of Investigation and if during the intervening period, there has been no further complaint or information against the officer touching on his

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integrity, the name may be removed from the list. If at the time of review, it is proposed to continue the name of an officer on the list, cogent reasons for doing so should exist.

**Vigilance Clearance/status:**

1. The Vigilance Department Issues Vigilance Clearance on various occasions for below board level executives & other employees on the request of the HR-Policy/ HR-Establishment/HRD departments for the following purposes: -
  - a) Regular or Ad-hoc Promotion/entrustment of position carrying higher powers responsibility & entitlements; that includes Positioning of Executives from AGM to GM,
  - b) Placement/Promotion of Supervisors to Executive cadre and Workman to Supervisor cadre,
  - c) Selection of internal candidates against open selection in all the disciplines of the organization
  - d) Foreign Visit for official purposes (Business /Projects /Assignment /Training /Seminar/ Conference);
  - e) Foreign Visit for personal/private purposes,
  - f) Issue/Renewal of Passport,
  - g) Sponsorship of employees for higher studies and grant of study leave for acquiring higher qualification
  - h) Acceptance of Resignation from services of the THDCIL
  - i) Retirement from services on Superannuation/Voluntary Retirement/Termination on Medical Grounds/Compulsory Retirement/Pre-mature Retirement
  - j) Forwarding of application through proper channel for all outside employment on regular basis/on deputation basis in PSUs/Central Governments/State Governments/ Govt. Authority
  - k) At the time of relieving, if the employee has been selected for outside employment on regular basis/on deputation basis in PSUs/Central Governments/State Governments/ Govt. Authority
  - l) Extension of tenure of deputation to employees wherever applicable



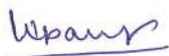
- m) Absorption of deputations in THDCIL
- n) Repatriation of deputations in their parent organization
- o) Re-employment/Extension/Contractual employment/Appointment of individual consultant (s) after retirement from THDCIL
- p) Dry Lien
- q) Any other occasions as and when required,

The validity period of Vigilance Clearance for the aforementioned occasions is 03 months from the date of issue of Vigilance Clearance by the Vigilance deptt. After the stipulated period of 03 months, the Vigilance Status of the employee is treated as self-terminated, and thereby a fresh request for further Vigilance Clearance is considered.

2. After receipt of a request from the HR department, the concerned vigilance officer examines the type of request and verifies the records related to Annual Property returns, intimation of moveable and immovable property about the concerned employee available in the vigilance deptt., penalties imposed on the employee (if any), etc. and process the case accordingly. In case of any anomalies in the records of the employee/misconduct, the detailed vigilance status in respect of those anomalies is forwarded to HR Deptt.
3. The vigilance clearance /status for all purposes/functions listed above in respect of all employees upto E7 shall be approved/issued by Dy. CVO. However, a quarterly report of such clearances is approved by Dy. CVO shall be put up to the CVO.
4. The vigilance clearance /status for all purposes/functions listed above in respect of employees above E7 shall be approved/issued by CVO.

### Scrutiny of Audit Reports

The Vigilance department will look into reports of internal audits, statutory audits and Comptroller & Auditor General with the objective of identifying vigilance issues / to check whether any cases of misconduct or corruption are revealed in them. In case of any misconduct or corruption, the necessary action shall be taken as per THDCIL Conduct Rules and CVC guidelines.







### Property Returns

1. All employees of the organization are required to submit their annual property returns in accordance with the guidelines set by the Central Vigilance Commission (CVC) and within the specified time frame.
2. The property return will be submitted online through HRMS portal.
3. Vigilance clearance shall not be issued to the employee(s), if the employee(s) does not submit the APR, as per the THDCIL CDA rules.
4. The vigilance department conducts a thorough review and scrutiny of the property returns of the employees as per CVC guidelines. The vigilance deptt. Will scrutinize immovable property returns of at least 20% of executive employees every year. In case of any misconduct/vigilance angle, a detailed investigation will be carried out & action shall be taken as per THDCIL CDA rules.

### Routine/Periodic and Surprise Inspections:

- a) The CVO/Vigilance deptt. Shall conduct/carry out regular and surprise inspections in sensitive areas to keep a check on aberrant and corrupt or improper practices by the public servants.
- b) In the course of an inspection, if issues involving vigilance angle– reflecting gross negligence, grave procedural irregularities, financial imprudence resulting in loss to the organization, malafide, etc. is found, then departmental investigation is conducted & based on the investigation report, suitable disciplinary action or otherwise, against the officials found responsible shall be taken as per the CDA rules of THDCIL.
- c) In the matters found lacking in one aspect or the other, in the course of the examination, systemic improvements shall be advised as a measure of preventive vigilance and better performance in times to come.

### CTE type Inspection:



- a) CTE-type inspection will be carried out to ensure better economy and efficiency in the procurement process and thereby achieve financially and qualitatively better output, in a fair, equitable and transparent manner. CTE-type inspection will be carried out in accordance with the guidelines issued by CVC. The report of CTE type inspection shall be submitted to CVO through Dy. CVO.
- b) In the course of an Intensive Examination, if issues involving vigilance angle– reflecting gross negligence, grave procedural irregularities, financial imprudence resulting in loss to the organization, malafide, etc. will be found, then departmental investigation is conducted & based on the investigation report, suitable disciplinary action or otherwise, against the officials found responsible shall be taken as per the CDA rules of THDCIL. Punitive actions, recovery or any other suitable administrative action are also advised against the defaulting firms / Contractors.
- c) In the matters found lacking in one aspect or the other, in the course of the examination, systemic improvements shall be advised as a measure of preventive vigilance and better performance in times to come.
- d) The selection of procurement cases for Intensive Examination by the CVO shall be done out of the procurement cases reported through QPRs and those which have not been reported to the Commission. Each Chief Vigilance Officer shall carry out an Intensive Examination of not less than 6 procurement cases of different natures (supply, works/services/consultancy, etc.) in a year.
- e) Further, the schedule of the various activities related to intensive examination as per CVC guidelines shall be adhered to.

#### Observance of Vigilance Awareness Week (VAW)

- a) The Central Vigilance Commission on 31st October 2000 introduced the practice of observing the week starting from the birthday of Sardar Vallabh bhai Patel as the Vigilance Awareness Week. It is one of the Participative Vigilance initiatives of the Central Vigilance Commission in the fight against corruption.



- b) It is observed every year at the Corporate office and project sites of THDCIL to sensitize the employees and stakeholders about the anti-corruption measures of the commissions.
- c) VAW is started by taking an integrity pledge and thereafter various in-house and outreach activities are organized as per the requirement of the ' theme of VAW 'provided by the commission.
- d) Debate/discussion, essay writing/slogan writing competition among the school children and employees on the subject decided by the commission.
- e) Display of banners and posters in the vicinity of THDCIL Projects/Deptt.,etc, are carried out. After completion of Vigilance Awareness Week, a report is submitted to the commission in a prescribed time.
- f) A copy of the report is retained in the respective file for reference.

**Online updation of below board level executives (ED, CGM/ GM & AGM) in SOLVE Portal of DOPT**

- a) GOI has put in place a Web-enabled online system for vigilance status of officials working in CPSEs to expedite appointment to Board Level Officials in Various CPSEs/ other organizations.
- b) The CVOs of CPSES/ Organizations will undertake updation of Vigilance Profile regularly for Board level officials and officials who are three level below board.
- c) This updation will have to be carried out once every month. The updation will have to be done even if there are no changes in the Vigilance Profile. Even a Nil/ Clear report will have to be updated every month.
- d) As and when the selection process for any vacancy is initiated, the ACC/ PESB, as the case may be will communicate through online system, the details of officers who have applied against the notified vacancies. The CVO will ensure that the Vigilance Profile of such officers is updated in a weeks' time based on the available records. The same will be reflected on the portal with the last date of updation being displayed.

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- e) The CVC will take into consideration the inputs provided by the Chief Vigilance Officers to finalize the Vigilance report for onward communication to ACC or PESB as the case may be, based on the policy directives and circulars issued by CVC & DOPT.
- f) This online system is a tool to facilitate the availability of updated information accurately, timely, and objectively for the finalization of the Vigilance Profile.
- g) This updation of Vigilance Profile for Board level officials and officials who are three levels below board (ED, CGM/ GM & AGM) is being carried out on a monthly basis in the SOLVE Portal of DOPT.

**Process outputs (Records)**

S.No.	Output
01	QPRs / Periodic Reports
02	Vigilance clearance/status
03	Resolution of Complaint
04	Systemic improvement
05	Actions as per CDA/CVC Guidelines
06	ODI List / Agreed List

**8.2 DUE DILIGENCE**

THDCIL has assessed the nature and extent of the bribery risk concerning specific transactions, projects, bidding, activities, business associates, and personnel falling within those categories. This assessment includes any due diligence necessary to obtain sufficient information to assess the bribery risk. The due diligence will be updated as and when there is a change in the central rule so that changes and new information can be properly considered.

**Cross Reference: Contract, Procurement, and Works policy**

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### 8.3 FINANCIAL CONTROLS

THDCIL has implemented appropriate financial controls to manage bribery risk.

**Cross Reference:**

1. Accounting and Control Manul (Version 1.0)
2. THDC/RKSH/Corp.Fin/914 dated 05.04.2014

### 8.4 NON-FINANCIAL CONTROL

THDCIL has implemented non-financial controls that manage bribery risk concerning such areas such as procurement, operational, sales, commercial, human resources, legal, and regulatory activities.

**Cross Reference:**

- a) Procurement and works policy
- b) DoP for Single Bidder

### 8.5 IMPLEMENTATION OF ANTI-BRIBERY CONTROLS BY CONTROLLED ORGANIZATIONS AND BY BUSINESS ASSOCIATES

- a) THDCIL has included the Corporate Office, other offices, and project sites as defined in section 4.3 Scope, of this manual, which are in its control, for implementing ABMS.
- b) For business associates THDCIL has plans to implement the ABMS Integrity Pact, a commitment not to be involved in any of the corrupt activities, and create awareness regarding THDCIL ABMS Policy, and related procedures. Although, THDCIL will encourage its business associates to implement ABMS, however, THDCIL has determined controls to evaluate risks related to anti-bribery, as defined under sections 8.2, 8.3, and 8.4 of this ABMS Manual.

### 8.6 ANTI-BRIBERY COMMITMENTS

THDCIL has determined and established a process to obtain Anti-Bribery Commitments from its Business associates:

- a) Integrity Pact

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- b) GCC document
- c) Conflict of Interest deceleration (Procurement & Work Policy)

**Cross Reference: Procurement and works policy**

### 8.7 GIFTS, HOSPITALITY, DONATIONS, AND SIMILAR BENEFITS

THDCIL has implemented procedures that are designed to prevent the offering, provision or acceptance of gifts, hospitality, donations, and similar benefits where the offering, provision, or acceptance is, or could reasonably be perceived as, bribery through its CONDUCT, DISCIPLINE & APPEAL RULES.

**Cross Reference: CONDUCT, DISCIPLINE & APPEAL RULES**

### 8.8 MANAGING INADEQUACY OF ANTI-BRIBERY CONTROLS

THDCIL has established, implemented, and maintained its Procurement Policy for goods and services, which includes actions to be initiated in case the controls on anti-bribery are found to be not adequate or remedial action where the due diligence conducted on a specific transaction, project, activity or relationship with a business associate establishes that the bribery risks cannot be managed by existing anti-bribery controls, and THDCIL cannot or does not wish to implement additional or enhanced anti-bribery controls or take other appropriate steps (such as changing the nature of the transaction, project, activity, or relationship) to enable the organization to manage the relevant bribery risks.

**Cross Reference: Procurement Policy for goods and services**

### 8.9 RAISING CONCERNS

THDCIL has identified sources from where concerns can be raised:

**PROCESS INPUTS**

Sr. No.	Input	Source
01	Complaints	CVC / MOP / Public / Employee of the Organization / CBI /CTE inspection /Surprise Inspection/ Other sources.
02	Letter of Awards, Quarterly progress report of the works in progress	Procurement Department, Corporate Contract dept., Procurement of goods, Works & Services by other units.
03	Audit Reports (Internal Audit Report / Statutory Audit Report / CAG Report)	Internal Audit or concerned projects or corporate finance deptt.
04	Request for Vigilance Clearance / Status	Concerned HR Deptt.
05	Annual property return	Concerned Employee
06	Percentage of E-payments Percentage of procurement through CPP & Percentage of E-tendering /GeM, Sensitive Posts, Inspections, Scrutiny of Files, etc. (Data for preparation of Quarterly Progress Reports).	Procurement & Contracts Department
07	Disciplinary Proceedings (In case of Misconduct)	Complaints/Inspections.

**Procedure for Complaint/Concern Handling:**

The Vigilance Deptt. maintains a complaint register where every complaint, irrespective of its source, is entered in the complaint register chronologically as it is received or taken notice of in the prescribed format as defined in the CVC manual Chapter III, Annexure I. A

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complaint containing allegations against several officers may be treated as one complaint for the purpose of statistical returns. The Process of raising concerns/complaints is followed as per Vigilance Manual 2021 and is made available through bidding documents. Vigilance Department will not treat/register anonymous/pseudonymous Complaints/concerns, as per the guidelines specified in Govt. Of India Vigilance manual 2021.

While registering the complaints, the THDCIL Vigilance Department will ensure that:

- a) It is treated confidentially.
- b) Individuals/Business Associates are protected from retaliation.
- c) Advice/Resolution/Communication is followed as per Vigilance Manual 2021.

THDCIL ensures that all personnel are aware of the reporting procedures, their rights, and protections and can use them.

THDCIL has implemented the “Whistle Blower Protection Policy” which is a part of The Whistle Blowers Protection Act, of 2014, to protect those who raise concerns.

**Cross Reference:**

- 1.0 Whistle Blower Protection Policy
- 2.0 CVC Manual 2021

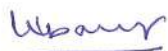
**8.10 PROCEDURE FOR INVESTIGATION/ACTION INITIATING PROCESSES**

THDCIL initiates investigation/action as described below to ensure that there is fair and impartial decision-making:

**I. Action on the complaints forwarded by the “Central Vigilance Commission”:**

The commission may forward the complaints for either of the following

- i. Investigation and Call for Investigation & Report (I&R)
- ii. For necessary action (N.A.).



**II. Action on complaints where Investigation & Report (I&R):**

The action on the complaints where Investigation & Report is sought by the commission shall be taken as per Para 4.2 (c) & (d) of the complaint handling mechanism of the commission circulated vide no. 021/VG/051-500040 dated 24.12.2021. Confirmation from the complainant for owning or disowning the complaint is not required in this case, as in such cases commission seeks confirmation from the complainant as per the complaint handling mechanism.

**III. Complaints forwarded for Necessary action:**

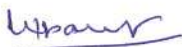
The CVO / Corporate Vigilance Deptt. is required to scrutinize the complaint thoroughly and CVO will decide action on such complaints within a period of two months of the receipt of the complaint from the commission. Before initiating action on the complaints received for necessary action, the concerned vigilance unit / corporate vigilance department seeks confirmation from the complainant through registered post for owning or disowning the complaint, as the case may be, together with a copy of his identity proof.

The action on the complaints forwarded by the commission for N.A. shall be taken as per Para 4.3.1 (iii), (iv) of the complaint handling mechanism of the commission circulated vide no. 021/VG/051-500040 dated 24.12.2021 and Para 2 (D.) circulated vide no. 021/VG/051 dated 03.11.2022.

**IV. Action on complaints forwarded by the Ministry of Power:**

Each complaint will be examined by the Chief Vigilance Officer and the following action should be taken:

- a) If the allegations are vague, general and prime facie unverifiable, the complaint may be dropped and filed by CVO. Wherever considered necessary Head of the Department may also be consulted.





- b) Entries of only those complaints in which there is an allegation of corruption or improper motive, or if alleged facts prima facie indicate an element or potentiality of vigilance angle, should be made in the register
- c) A further check, a preliminary inquiry/investigation may be made to verify the allegations to decide whether or not, the public servant concerned should be proceeded against departmentally or in the court of law or both if the complaint gives definite information to do so.

**V. Action on complaints received directly by CVO, THDCIL against below Board Level Officers:**

Before initiating action on such complaints, the concerned vigilance unit/corporate vigilance department seeks confirmation from the complainant through registered post for owning or disowning the complaint, as the case may be. The complainant is also required to provide a copy of his/her identity proof. A communication in this regard is sent to the complainant, and he/she is required to respond within 15 days of the receipt of the communication from the concerned vigilance unit/corporate vigilance deptt. However, in case of non-receipt of the response within 15 days from the complainant, a reminder is also sent to him / her giving another opportunity, In case of non-response after 15 days of the reminder, the complaint would be filed treating it as a pseudonymous complaint.

In case of verification of the complainant, further action of preparation of the factual report will be taken. The factual report will be prepared based on scrutiny of relevant records/documents only. The factual report will conclude whether the allegations are substantiated or not. If the allegations are not substantiated, the complaint will not be pursued further and the same will be closed. If allegations are substantiated, a detailed vigilance investigation will be carried out.

If a detailed investigation is carried out & lapses are found and the officers of the level of E-8 and E-9 or a group of officers wherein officers of the level of E-8/ E-9 are also involved and are responsible for the lapses, the case shall be submitted to the CVC for



first stage advice and the further action shall be taken as per CVC guidelines. If the officers involved are of E-7 & below level and lapses are found, initially the decision against the existence of the vigilance angle shall be taken by the CVO. In case there is a difference of opinion, between the Disciplinary authority and CVO regarding the existence of a vigilance angle, further action shall be taken as per CVC guidelines.

In the case of PIDPI complaints, the commission has jurisdiction over all officers (irrespective of their levels) of the organizations covered under the commission's jurisdiction. Therefore, in case of PIDPI complaints the investigation reports will be sent to the commission for all categories of the officers.

**VI. Handling of the complaints against Board Level Officials received directly by CVO, THDCIL:**

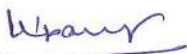
If a complaint against a Board Level appointee is directly received by CVO, THDCIL / THDCIL, the CVO shall forward the same to the CVO of the Ministry of Power, Govt. of India. If the CVO of MOP, GOI asks for a factual report against the Board Level Appointee from the CVO, THDCIL, the CVO, THDCIL will send the report to the CVO of MOP, GOI, after endorsing a copy of the report to the CMD THDCIL.

**VII. Action on Anonymous and Pseudonymous Complaints:**

No action shall be taken on Anonymous and Pseudonymous Complaints. This is as per CVC Guidelines specified in the Vigilance Manual 2021.

**VIII. Action on PIDPI Complaints:**

As per the PIDPI resolution 2004 & amendment to PIDPI resolution dated 14.08.2013, the Central Vigilance Commission and the Chief Vigilance officer of the Ministry of Power are the designated authorities for receiving the PIDPI complaints. The guidelines for PIDPI complainants shall be as per Para 6.3 of the complaint handling mechanism of the commission circulated vide no. 021/VG/051-500040 dated 24.12.2021 and Para 2 (F) circulated vide no. 021/VG/051 dated 03.11.2022. The process of confirmation of





PIDPI complainant shall be as per Para 6.4 (c) of the complaint handling mechanism of the commission circulated vide no. 021/VG/051-500040 dated 24.12.2021. The timeline for submission of investigation reports in PIDPI complaints referred by the commission shall be 12 weeks from the date of receipt of a reference from the commission.

**Cross Reference: CVC Manual 2021**



## 9.0 PERFORMANCE EVALUATION

### 9.1 MONITORING, MEASUREMENT, ANALYSIS, AND EVALUATION

THDCIL has an appropriate, and adequate process to monitor, measure, analyze, and evaluate continuously. The activities are carried out as mentioned/specified in Vigilance Manual 2021 (Under the CVC Manual).

#### I. Sources of feedback on compliance performance:

THDCIL has identified, although not limited, the sources for feedback and compliance performance. A detailed description of this is provided under Section 8 of the ABMS Manual.

**Cross Reference: Clause 8.9 of this ABMS Manual.**

#### II. Development of indicators:

The Performance indicators for the Vigilance Department of THDCIL, are developed in the form of Objectives. Planning is done to achieve them, as described under Section 6 of the ABMS Manual. Top Management has determined the weightage for each indicator to evaluate ABMS performance.

**Cross Reference: The Objectives THDC/ABMS/OBJ/03**

#### III. Compliance reporting:

THDCIL has identified the necessary reporting required as per Vigilance Manual 2021, which is also described under Section 8 of ABMS Manual, as Vigilance department process output.

- QPRs
- Vigilance clearance/status
- Resolution of Complaint



- Systemic improvement
- Charge Sheet/Penalty(ies)
- ODI List / Agreed List

#### IV. Record-keeping:

THDCIL has identified the necessary records required to be maintained and retained. The details of such records that are required to be maintained and retained are mentioned in the THDCIL Record Manual. The reference to this is also mentioned in ABMS Manual section 7.

**Cross Reference: Record Manual THDC/RKSH/CS/F-131/1950**

## 9.2 INTERNAL AUDITS

THDCIL has established, documented, and implemented a process to carry out Internal Audits to determine the degree of compliance with ABMS. The criteria, against which the degree of compliance is to be established are:

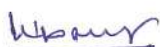
- ABMS Manual
- Statutory and Regulator Requirements, as mentioned in section 4 of the ABMS Manual
- CVC Manual (Vigilance Manual 2021)
- Other (Governing Body, Customer, Interested Party, etc.) Requirements.

**Cross Reference: Procedure for Internal Audit THDC/ABMS/PRC/01**

## 9.3 MANAGEMENT REVIEW

The Top management will chair the Management Review Meeting and will review the effectiveness of ABMS, at planned intervals, at least once a year, or as needed, to ensure its continuing suitability, adequacy, and effectiveness.

### Inputs for Management Reviews





The following inputs are considered for management review, but not limited to:

- a) The status of actions from previous management reviews.
- b) Changes in external and internal issues that are relevant to the ABMS.
- c) Changes in needs and expectations of interested parties that are relevant to the ABMS.
- d) Information on the ABMS performance, including trends in:
  - i. nonconformities, noncompliance, and corrective actions.
  - ii. monitoring and measurement results.
  - iii. Audit results.
- e) Opportunities for continual improvement.

The Top management will also consider the following during the management Review:

- a) The adequacy of the ABMS policy.
- b) The independence of the Vigilance Department.
- c) The extent to which the compliance objectives have been met.
- d) The adequacy of resources.
- e) Adequacy of the ABMS risks assessment.
- f) The effectiveness of existing controls and performance indicators.
- g) Communication from persons raising concerns, and interested parties, including feedback, and complaints.
- h) Investigations.
- i) The effectiveness of the reporting system.

#### **The output of Management Review**

The output of the management review includes decisions related to continual improvement opportunities and any need for changes to the ABMS.

Records of Management Review proceedings are maintained, as evidence of the output of management reviews.



The Top Management will apprise the Governing Body regarding management review and shall take their approval for further action.

Records of approval will be maintained.

**Cross Reference: Minutes of Management Review Meeting THDC/ABMS/FMT/03**

#### 9.4 GOVERNING BODY REVIEW

The minutes of ABMS Management reviews are being sent to the governing body for their review through top management, for their reviews and any suggestions for improvement. The governing body may provide inputs for further improvement which shall be taken up by the Vigilance department for further implementation.

**Cross Reference: Records of intimation of ABMS MRM to Governing Body.**

#### 9.5 REVIEW BY THE ANTI-BRIBERY COMPLIANCE FUNCTION

The anti-bribery compliance function (Vigilance Department) shall conduct internal meetings at least once a month and collect the information for reporting to Top management about its functioning. The data from these meetings forms the input related to performance

**Cross Reference: Minutes of the Vigilance Department**





## 10.0 IMPROVEMENT

### 10.1 NONCONFORMITY AND CORRECTIVE ACTION

#### a) Nonconformities related to ABMS:

THDCIL has established a process to take inputs of the nonconformities, from the complaint register CVC Manual chapter III, Annexure I, (as described under Section 8 of this ABMS Manual).

**Cross-reference: Section 8 of ABMS Manual**

Each of the nonconformity is reviewed, analyzed/investigated/reported, as described in Section 8 of this ABMS Manual.

**Cross-reference: Section 8 of ABMS Manual**

Corrections, Corrective Actions, and other Actions are initiated as per CVC described under Vigilance Manual 2021, and opportunities for improvement are identified for implementation as described under Section 8 of ABMS Manual.

**Cross-reference: Section 8 of ABMS Manual**

#### b) Nonconformities related to Internal Audits

The nonconformities, or opportunities for improvement identified during Internal Audits, are reviewed, and analyzed, and Corrections, Corrective Actions, and other actions are initiated as mentioned in the Internal Audit Procedure.

**Cross Reference: Procedure for Internal Audit THDC/ABMS/PR/01**



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THDC INDIA LIMITED  
Schedule- A Mini Ratna PSU

THDCIL INDIA LTD.

**ANTI-BRIBERY MANAGEMENT SYSTEM  
MANUAL**

DOCUMENT No.  
THDCIL/ABMS/MNL/01  
REV: 00  
DATE: 22.05.2024

## 10.2 CONTINUAL IMPROVEMENT

THDCIL Vigilance department, during their regular activities of Inspection and others, identifies **Systemic Improvement** areas, which will lead to improvement in the ABMS.

**Cross Reference: Systemic Improvement checklist THDC/ABMS/FMT/04**

Upanshu