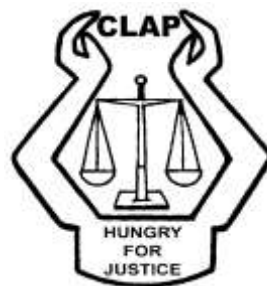


CLAP

ANTI-CORRUPTION POLICY, 2015



Committee for Legal Aid to Poor (CLAP)

Bimala Devi Memorial Building,
Plot No. 367, Sector-6,
Markat Nagar, Cuttack – 753014,
Orissa, India.

Phone: 91-671-2363980/2365680

Fax: 91-671-2363454.

Email: info@clapindia.org

Website: www.clapindia.org

1. General:

Corruption is defined as the misuse of entrusted power for private gain. Corruption is best known as bribery, fraud, embezzlement and extortion. Corruption threatens good governance, sustainable development, democratic process, and fair business practices.

Corruption has many faces. It may be in the form of money or of providing services in order to gain advantages such as favourable treatment, special protection, extra services, or reduced delays. It is important to realise that corruption is not exclusively a matter of money. To provide a person with a job, services or other favours, can in certain circumstances also be construed as corruption.

The target group of this anti-corruption policy is all Committee for Legal Aid to Poor (CLAP) employees. As CLAP employees, we are obligated to follow this anti-corruption policy and any breaches of this policy shall be reported through the CLAP complaint mechanism (specified below).

Corruption threatens good governance, sustainable development, democratic process, and fair business practices. Thus fighting corruption is building civil society and eliminating social injustice, which is in line with CLAP's vision: Being inspired by Democratic Values, more particularly the concept of Rule of Law and having full faith in Fundamental Human Rights with Dignity, the Legal Service Institute in short **CLAP visualises a Society where Justice and Equity Prevails** irrespective of sex, religion, caste, creed, colour and socio-economic status.

CLAP is entrusted with funds from a variety of donors and works to secure they are spent correctly and transparently. CLAP holds a great responsibility to avoid corruption and secure that the funds are spent correctly toward beneficiaries.

As employees of CLAP we are responsible for upholding and promoting the highest standards of ethical and professional conduct. Knowledge, respect and common sense are some of the keywords that should be guiding our work.

The purpose of this anti-corruption policy is to support a behaviour characterised by high standards of personal and organisational integrity, both internally and with other external stakeholders.



2. Anti-corruption Principles:

The following is a listing of the principles in CLAP's anti-corruption policy:

- Conflicts of interest
- Abuse of power and extortion
- Fraud and Embezzlement
- Bribery
- Nepotism and favouritism
- Gifts

i. Conflict of Interest

We will avoid any unexpedient conflicts of interest – real or potential – between our personal interest and the interest of CLAP.

Avoiding conflicts of interest is the overall principle in fighting corruption. Conflict of interest arises from situations in which you as a CLAP employee have a private interest that could influence your professional performance.

Conflicts of interest can occur quite frequently and are not necessarily corrupt. It is how they are identified and managed that is important. If conflict of interest situations are not properly identified and managed, they can endanger the integrity of CLAP and can result in corruption. The staff member is expected to show good judgment and when in doubt, contact the superior. In questions of conflict of interest it is important to use personal judgment and common sense to make the right decisions.

The following principles are all in some ways examples of conflict of interests.

ii. Abuse of Power and Extortion

We will not seek to influence any person or institution for private purpose by using our official position or offering them personal advantages. Likewise, we will not use CLAP property, facilities, services and financial resources for private purposes except when permission is given. We will not use any forms of extortion as a method to gain advantages.

This principle implies that you should not use your professional status for private gain. Misuse could be to gain advantages that you would not have gained otherwise. Relations to suppliers must not be used to gain reduced price on e.g. computers, cars, food, consultant



support or travelling for private use. You are also not allowed to abuse your power as a manager to get personal favours or services done by employees.

iii. **Fraud and Embezzlement**

Fraud and embezzlement are illegal and must not be used as methods to gain personal or professional advantages or property in relation to CLAP, partner organisations or any other stakeholders.

Fraud is defined as economic crime involving deceit, trickery or false pretences, by which someone gains advantages or funds unlawfully. Embezzlement is defined as the misappropriation of property or funds legally entrusted to someone in their formal position as an agent or guardian.

Examples of fraud and embezzlement are false documentation, lying about qualifications and abusing power/knowledge to steal cash and equipment from the office, misusing funds entrusted to us. Rules for accounting and documentation shall therefore be applied to at all times. E.g. Approval of payment has to follow the CLAP General Financial Procedure Rules, 2011. All are expected to show honesty.

iv. **Bribery**

We will not give or accept bribery in any form.

Bribery is defined as the act of offering someone money, services or other valuables, in order to persuade him or her to do something in return.

One example is that we do not give bribes to our partners as a way of influencing. We base our cooperation with partner organisations on mutual ownership, accountability, participation, equality, harmonisation and alignment.

Bribery is illegal and we support whole heartedly for proper implementation of anti-corruption policy.

v. **Nepotism and Favouritism**

We will not favour friends, family or other personal relations in recruitment, procurement, aid delivery or other situations.

Nepotism is favouritism toward relatives and friends, based upon that relationship, rather than on an evaluation of ability or suitability. For instance, offering employment to a



relative or friend, despite the fact that there are others who are better qualified and willing to perform the job, higher earnings, and other benefits to employees who are relatives of management.

To avoid favouritism and nepotism in procurement we follow the CLAP Procurement Policy.

In recruitment we follow the HR Policy of CLAP.

It is important to underline that if conflicts of interests are handled, it can be acceptable to hire/work with family or friends.

vi. Gifts:

We will not give or receive, directly or indirectly, any gift or other favour that may influence the exercise of our function, performance of duty or other ways of possibly harming CLAP. Gifts are defined as but not limited to: services, travel, entertainment, material things or favours. In order to respect local traditions and conventional hospitality minor gifts are accepted.

A rule of thumb is that a gift should never influence your independent judgment and share the minor gifts that you accept with you colleagues. All employees are expected to show good judgment and when in doubt, contact the superior. Cash gifts are never accepted.

3. The CLAP's Complaint Mechanism:

As CLAP employees, we are obligated to follow this anti-corruption policy and report breaches of the policy. All corruption incidents in CLAP, or other incidents related to CLAP activities must be reported into the complaint mechanism. If you get suspicion, hear rumours about corruption or experience any other doubt you can ask for advice here as well.

You need to fill in a complaint form and submit in our website Complaint Mechanism (<http://www.clapindia.org/complaint-mechanism>). This e-mail box is only accessible for two Members from the Executive Committee. On the basis of the complaint, it will be considered if an investigation committee will be set up and an investigation take place.

The complaint will be handled confidentially and with great respect for the complainant and the persons/ organisations the complaint is pointing at. No anonymous complaints are accepted.

All incidents of corruption shall be reported in the complaint mechanism. Cases where personal security was at risk shall as well be reported in the complaint mechanism.



4. Annual Anti-Corruption Report and Corruption Report

The annual “Anti-Corruption Report” is an attempt to summarise what CLAP does to fight and prevent corruption with financial means administered by CLAP. The report is published annually on the CLAP’s website with the Annual Report.

A “Corruption Report” is published on CLAP’s website and updated within 48 hours. It describes in depth the cases of corruption and fraud that CLAP has handled. Sensitive issues of personal character will never be published.

The objective is to inform openly about the problems envisaged with corruption and to describe how we try to solve the problems and prevent them in future.

5. Training of Staff and Board Members:

The CLAP shall regularly conduct training programme for its staff and also wherever possible for its Board Members to make them aware about our Anti-Corruption Policy, 2015. All staff are required to submit a undertaking that they will follow the Policy in letter and spirit.

Over all CLAP will encourage whistleblower at all levels of the organisation.

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