



وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

And help one another in goodness and piety and do not help one another in sin and aggression and be careful of Allah; surely Allah is severe in punishment. (Suratul Maidah, No. 5, Ayat 2)

WHISTLE BLOWING POLICY

(PBM)

(An ISO 9001:2015 certified Public Sector Organization)

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Preamble

In the backdrop of global concern for misuse of public office, the United Nations Convention Against Corruption (UNCAC) was evident outcome. This convention advocates transparency/standardization in codes of conduct, public procurements, management of public finance and good governance to eradicate corruption. After having ratified by UNO, the connected development on policy for member states was obligatory. Whistle Blowing Ordinance 2019 is the step forward in this regard. The ordinance No. XXIII of 2019 published in the Gazette of Pakistan. Extraordinary part -I dated 1st November 2019 to provide the guidelines regarding fundamental principles. In the light of this ordinance and Ehsas Governance and Integrity Policy Pakistan Bait-ul-Mal is going to introduce Whistle Blowing Policy in its administrative system.

Whistle Blowing is not new in the history of religions in general and Islam in particular. It is evident from The Holy Quran and Sunnah (Muhammad PBUH). The founder of Pakistan Quaid e Azam Muhammad Ali Jinnah, explicitly announced that Muslims wanted independent state *(separate from Hindu- idol worshipers of India who were in majority)* where they could practice Islamic concepts.

The ethical and religious perspectives extend motivational and voluntary contribution to whistle blowing. Ethics control corrupt behaviors first and at second place comes the turn of legal enforcement. The persons having public power or authority should possess highest moral and ethical standards. The ethical standards retrieve essence from society and religions.

There are number of examples that may be quoted from Holy Quran, Sunnah (Muhammad PBUH) and from early Islamic History of his companions. Not only Islam but also other religions have also contributed values and codes of conduct for their followers for serene life to lead.

It is famous saying that "prevention is better than cure" which implicates that 'prevention is more cost effective than enforcement'. Being an entity of Government, Pakistan Bait-ul-Mal is going to introduce the Whistle Blowing Policy for its entire hierarchical, stake holding and decision-making levels and processes. To bridge the gap between the policy and practice the political will and professional inputs from employees/stakeholders shall be the important factors for future implementation and development of whistle Blowing Policy.



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Terminologies

Procurement	Acquiring goods, services or works from external resources often via tendering or bidding processes.
Public officials	A public official is one who has authority conferred by a state and holds administrative, judicial or legislative position. He/She may come from elections or appointment.
Stakeholders	The entities/persons whose interests are directly or indirectly linked with the functions of organization
Public Finance	Management of Financial matters related to public organization
Whistle blowing	A whistle blower is a person who comes forward and shares his/her knowledge of any wrong doing happening or going to happen in an organization or any section of the organization.
Good Governance	Good Governance is the legitimate, accountable and effective ways of obtaining and using the public power and resources in pursuit of widely accepted social goals.
Ethics	Set of moral principles that control inclinations towards right and wrong beliefs.
Code of conduct	Code of conduct is the set of rules for the organization to behave its employees according to given norms, principles, rules, responsibilities for day to day functions
Power	The capacity or ability to direct or influence the actions, decisions and behaviors
Authority	The right to make decision and enforce obedience
Policy	Policy is a set of principles and standard to guide decisions.
Hierarchy	Hierarchy is a ranking of constituent members according to different levels of authority in an organization.
Obligation	A duty or commitment for which a person is legally and morally bound to act upon.
Political will	Determination of individual political leader to a cause or objective for a desired outcome.
Practice	An exercise that is repeatedly done in order to maintain proficiency.

Abbreviations

UNCAC	United Nations Convention Against Corruption
UNO	United Nations Organization
WBC	Whistle Blowing Cell
BMB	Bait-ul-Mal Board
PBM	Pakistan Bait-ul-Mal
PA&SSD	Poverty Alleviation & Social Safety Division
MD	Managing Director
AD	Assistant Director
HR	Human Resource



1. Background

The progress of nations' states, gradual growth of professionalism, and development of complex social and administrative environment, demanded targeted and explicit policy development. The United Nation ratified UNCAC to curb corruption. All member states adopted the same in their respective legal frameworks. Pakistan also passed ordinance in this connection. In context of Whistle Blowing Ordinance¹, this whistle blowing policy has been introduced to provide legal umbrella to discloser of corruption.

It is widely accepted that Islam has provided key principles for policies of present and future. The Holy Quran and Sunnah of Prophet (PBUH) demand Muslims to adopt right/straight path to reach the level of Taqwa (highest level of human status). In Holy Quran, the concepts of zulm and adl, concept of amr bil-ma'ruf, wa-nahy an al-munkar, fard kifāyah (obligation of community), taawanu alal birr e wattaqwa wa laa taawanu alal ithm e wal udwan, concept of Aulia (well-wishers) are for both ordinary Muslims and powerful in this land of a Lord.

According to Sunah/Hadis, the wealth, blood and respect/sanctity of one Muslim is Haram (prohibited) except his permission'.

In the period of Hazrat Umer (R.A), a man stood up in a mosque and asked Umer (R.A) to justify the dress worn by him made up of two pieces of clothes whereas every one received one piece of cloth. The man further inquired that in one piece of cloth he could not be able to have sewn his own dress: how could you, Umar, despite large body structure? Hazrat Umer (R.A), asked that his son would explain it. The son of Hazrat Umer (R.A). explained that he and his father received two equal pieces of cloths-one piece for each one of us. None of us (father and son) was able to have a dress in one piece of cloth; therefore, he had offered his piece of cloth to his father. That's what the fact was said the son of Umar (R.A).

Mu'adh bin Jabal reported: Before appointing Hazrat Muaz Bin Jabal (R.A) as administrator of Yamen. Hazrat Muhammad (PBUH)-The Messenger of Allah (PBUH) said: Beware of luxury, verily; the servants of Allah do not live luxuriously¹. The Prophet warned Mu'adh not to use his position of authority to live extravagantly, but rather he should practice temperance (zuhd), spending his wealth in charity and renouncing the vanities of worldly life.

During Pakistan Movement, Quaid e Azam Mauhammad Ali Jinah demanded a separate homeland for the Muslims of India, where they could practice Islamic concepts¹. Vision of the founder of Islamic Republic of Pakistan, Quaid e Azam Mauhammad Ali Jinah, can be materialized with policy formulation in accordance to the principles of Islam. The parliament has passed the Whistle Blowing Ordinance in 2019. Whistle blowing policy of Pakistan Bait ull Mal, is the legal umbrella to blow whistle against illegal steps by the authorities or employees.

1. Source: Musnad Ahmad 21600, Grade: Hassan
2. Two Nation theory

2. Introduction

The clientele hailing from poor strata the importance of Whistle Blowing Policy manifolds in public entities like PBM. The least access of poor to official procedures may lead to damage the rights of poor and public service delivery. In this scenario, the responsibility of public official increases manifolds.

Hazrat Omer (R.A), first time in the history of Islam, laid the foundation of the institution-Bait ul Mal. The Parliament of Islamic Republic of Pakistan established Pakistan Bait-ul-Mal (PBM) in 1991, in the light of guideline of constitution-1973 vide Chapter-II, article-38, clause (d).

Whistle Blowing Policy inculcates to culminate voluntary exposing of wrong, unethical and illegal actions, situations or decisions by the public officials related to past, present or future. This policy provides reward for true whistle blower and penalize the frivolous. The whistle blowing can be against any employee/authority (contract, daily wagger or regular) for misuse of power, funds and intentions for financial gain based on malafide and malicious intentions.

It is global experience that the whistle blowers face adverse reactions like removal from service, disciplinary action, rearrangement of assignments, deprivation of promotion and benefits, rise of opportunists during hiring of whistle blowing, restriction on legitimate facilities, suspension from service, and creation of unsupportive working condition. Violent and abusive environment, physical harm, biased audit, unfair supervisory control, termination of contract, intimidation, threat, harassment, harming ethical/ religious beliefs and defaming are also the other form of adverse reaction. In this policy, provisions have been made to minimize adverse reactions.

Whistle blowing policy promotes transparency, integrity, accountability, recovery and condemns misappropriation/fraud/theft/misuse of public funds/authority, overstatements/understatements; bribery, forgery and violations. This policy encourages those who call spade a spade and discourages the frivolous.

The high standard for utilization of funds of Bait ul Mal and accountability were the hallmark of early Islamic history. This Policy document has been supplemented with Quraanic verses, Ahadees and examples from the lives of companions of Muhammad (PBUH) and Fiqh for voluntary adherence to codes of conduct. It is famous saying that "Honesty is the best policy". The focus of this policy is to promote the culture of honesty and transparency in functions, rank & file of PBM.





3. Vision

To eradicate direct and indirect misuse of Public funds/power/authority from Pakistan Bait ul Mal through Whistle Blowing Policy of PBM, Federal legal framework and ethics.

4. Mission

Zero tolerance for corruption will be the hallmark of this policy by creating such an environment that encourages disclosure, eliminate all situations/ambiguities of the misuse of public fund/power/authority.

5. Aim


Aim of the policy is to eliminate misuse of public fund/power/authority by employees/all concerned through effective implementation of policies in general to minimize whistle blowing and compliance of whistle blowing policy in particular.

6. Objectives

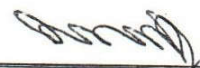
- i. To check misuse of public fund, authority/power/office, and to obstinate corrupt behaviors.
- ii. To provide fearless mechanism for whistle blower.
- iii. To protect whistle blower from adverse reactions.
- iv. To ensure reward to the true and punish the false whistle blower
- v. To conclude the case of whistle blowing within the policy and legal framework of Pakistan
- vi. Enhancing quality of whistle blowing policy with Information Technology tools
- vii. To promote speak up culture within legal, moral and administrative environment

7. Scope

This policy will encompass all present, past or future joint ventures, contracts /agreements, projects/programs, all branches, sections, directorates, cells/councils, centers, schools, library (s) and all offices of PBM at present and in future. This policy will be applicable to donors, beneficiaries, venders, contractors and suppliers. The policy will also be applicable to all employees/concerns for disposal of their public duties as defined in PBM service regulation/PBM Act/policies/Esta.Codes etc. All related policies w.r.t projects/interventions of PBM, softwares, manuals, procedures, procurements, will be the jurisdiction of this policy. This


Whistle Blowing Policy





policy will work under the legal framework of Pakistan. This policy will be called as **Whistle Blowing Policy (PBM)**.

8. Definition of whistle blowing / whistle blower

- Disclosing misuse of funds, power, authority, resources, and violations of policies/rules/regulations/SOPs/approved manuals/agreements etc. by public servants/employees/authorities during disposal of official duties; is a whistle blowing.
- The person who discloses the direct or indirect corruption in public funds/authority may be defined as whistle blower. 'Whistle blower means a natural person not an entity or agency'

9. Types of whistle blowing

9.1 Individual

The disclosure made by an employee/consultant/an individual may be referred to as individual whistle blowing.

9.2 Institutional

In this case, the interest(s) of the institution (s)/company(s)/general order supplier(s)/stakeholder(s) etc. may be at stake, and may be disclosed. In such cases, whistle blowing will be entertained subject to the condition that the whistle blowing complaint bears the personal signature/stamp of the owner/CEO/Chairman etc. of that organization .

9.3 Anonymous

The complaint without identity of whistle blower will be treated as anonymous complaint. If whistle blowing cell of PBM receives anonymous complaint without any identity, the whistle blowing cell/committee will not take any action. Such complaint will be marked as Anonymous Complaint and too, if the identity of the whistle blower is found to be incorrect or false. However, Competent Authority may extend instructions on such cases, if deems necessary.

9.4 Frivolous

The complaint without acceptable proof or based on malicious intentions to satiate personal/professional grudge. Any person, who lodges a false or frivolous complaint against the officials of PBM, and the same is processed; the case will be initiated against the false whistle blower. If fine is imposed to false whistle blower, the amount of the fine will be paid to the victim.





10. Jurisdiction of Whistle Blowing Policy

The whistle blowing policy will be in action if following is witnessed on the part of concerned:

- i. Violation of SoPs/Policies/regulations/manuals/agreements/agendas of BMB with hidden criminal motives
- ii. Leaking of secret(s) and confidential information
- iii. Any action against the applicable laws/rules/regulation
- iv. Misrepresentation/concealment of facts or misrepresenting to the decision maker(s)/stakeholder(s) through verbal written or other communicable means
- v. Involvement in fraudulent activities in procurements, adjustments of resources, misappropriations
- vi. Tempering/alteration of official documents with malicious and malafide intentions of financial gains
- vii. Causing defamation to the integrity of employee(s) and damaging reputation of PBM by the persons performing duties on behalf of PBM.
- viii. Direct or indirect loss of one stake holder/employee etc. at the cost of other
- ix. Any other action against the spirit of applicable laws/policies.

11. Principles of policy and implementation mechanism

11.1 Responsibility

- Whistle blowing policy will be based on ethical, moral and legal frames of Islamic Republic of Pakistan.
- The whistle blowing will be the consequence of the breach of prevailing rules/regulations/policies etc.
- The whistle blowing cell will be established as custodian of record of whistle blowing complaints and documents.
- Prudent I.T based software will be introduced for clear-cut demarcation of duties, responsibilities and violations/corruption, and establishing linkages with WB policy.
- Availability of approved policy will be ensured on the website of PBM for information/ready reference of general public/stake holders and employees of PBM.

11.2 Complaint Management

- i. Whistle blowing complaint should be in writing accompanied by supporting documents and other material, if any





- ii. Any person or agency making the whistle blowing shall provide a personal declaration stating that the information disclosed by him/her and allegations are true to the best of his knowledge and belief.
- iii. The whistle blowing format will be available on official website of PBM for manual complaint/ electronic complaint directly linked to whistle blowing cell for secrecy purpose.
- iv. Manual whistle blowing will be forwarded, through registered post/courier service, to Incharge Whistle Blowing Cell. The word **CONFIDENTIAL** will be written on the top of envelop.
- v. An exclusive database will be established for whistle blowing complaints for ready reference and producing the same before the legal forums.
- vi. The whistle blowing complaint will be processed within seven days and the same is decided well before the due date/time limit linked with complaint.
- vii. The name of the whistle blower shall not be disclosed in any circumstance. Whistle Blowing Cell and all officials/officers/concerned related to whistle blowing management will maintain high level of secrecy.
- viii. To each whistle blowing application, the fictitious code will be allotted by the Incharge Whistle Blowing Cell after concealing all identities before next process.
- ix. To those involved in leakage of secrecy of the name/particulars of the whistle blower, penalties will be imposed as per PBM whistle blowing policy. The Whistle Blowing Cell / relevant committees will be responsible to recommend/impose penalties.

11.3 Fairness in disposal

Discrimination, nepotism, favoritism, biasedness will be discouraged by all concerned/committees of whistle blowing.

11.4 Rewards & punishments

a. Reward

If the whistle blowing involves embezzled amount, the twenty percent of the recovered amount may be awarded to the whistle blower. If the number of applications are more than one, in that case the twenty percent of embezzled amount will be divided amongst all whistle blowers equally or as decided by the whistle blowing cell / concerned committees w.r.t. their mandate. Supplementary application(s) is/are not accepted ten days before the decision and will not be recommended for reward¹.

b. Punishments

False WB applications leading to defamation or derogation will be liable to the punishment as per rules. The false whistle blowing may lead to the fine upto two hundred thousand².

11.5 Applicability

- a. PBM-Whistle Blowing Policy will operate in context of current Federal législation of Whistle Blowing and legal jurisdiction.
- b. Contradicting clauses of existing policies/ regulations/ manuals/agreements/SoPs/Policies etc., of PBM will cease to exist after approval of this policy.

11.6 Impartial assessments

All employees and stakeholders will dispose of the cases on principle of impartiality in order to avoid whistle blowing against them in future.

11.7 Transparent implementation of PBM policies

All concerns of PBM are supposed to function in accordance to the approved policies /regulation/rules etc. to avoid whistle blowing against them in future.

11.8 Training

Periodic trainings will be imparted to all concerned in scheduled manner. Training material and policy documents will be handed over to the trainees well in time by controlling offices in coordination with concerned at Head Office. The steamers/hoardings will be provided to all concerned offices schools/centers/homes etc. of PBM by the concerned controlling offices of PBM. The uniformity of design, size, color scheme of promotional material will be provided by Admin and IT Branches of PBM Head Office.

12. Whistle blowing situations

The whistle blowing policy will be applicable to all employees/officials/BMB members as defined in PBM regulations/ Act. The situations of whistle blowing may be as under.

- i. The situations of whistle blowing includes misuse of power, misappropriation of resources, hiring due to unhealthy competitions, procurements with malicious and malafide intentions or proxy representations, criminal negligence or deviance to the approved policies and spirit or any other matter falling under the purview of misuse or corruption as prescribed by law.
- ii. The cases of whistle blowing related to PBM will be accepted and concluded at PBM but the cases beyond the scope of PBM may be referred to other legal forums i.e law enforcing agencies of Pakistan.





- iii. The whistle can be blown against any public official if he/she does not do what is expected to do or he/she does what is not expected to do as per law.
- iv. The hindrance, restriction, suspension, delaying, withholding, threatening, intimidating, harassing etc. may be the adverse situation to whistle blowing cases. The whistle blower will be protected from such situation.

13. Procedure for whistle blowing

- i. The whistle blowing complaints will be referred to Whistle blowing Cell (WBC).
- ii. The Whistle blowing complaint will be addressed to Incharge WBC.
- iii. The whistle blowing complaint should be in writing (on plane paper) if manual (**Annex-A**).
- iv. Envelop should be sealed and marked as confidential. The word Confidential should be written on the top corner/top middle of envelop in case of manual complaint.
- v. The on line/electronic application may be lodged via official website/APP/email etc. of PBM. The secret and soft submission of application will be ensured in future.
- vi. The whistle blowing application should bear the name, address , contact, email and other details of Whistle Blower as mentioned in format.(**Annex-A**)
- vii. The complaint will also be available in Urdu language on website in future to make it convenient to everyone.
- viii. The anonymous complaint will not be entertained at all but subject to the approval of MD PBM in special circumstances.

13.1 Whistle blowing complaint management

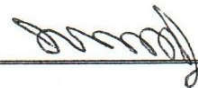
- i. The whistle blowing complaints may be lodged manually or electronically as prescribed.
- ii. Whistle Blowing Cell (WBC) will make acknowledgement of whistle blowing complaint via same media, it has been routed from or via postal address of whistle blower through registered mail/courier
- iii. Fictitious number will be assigned to each whistle blowing complaint and be forwarded to the concerned if required after concealing all identities of complainant. Incharge Whistle Blowing Cell (IWBC) will do this job himself. The original complaint will be kept in safe custody and photocopy, after concealment of identity(s), may be forwarded to the concerned, if necessary.
- iv. The whistle blowing complaints will be processed in seven working days or depending upon the nature of case, time limit linked and other assignments of committee members but no later than 15 days.
- v. To process and conclude the case within the time limit of the risk involved in the case

- vi. In case of serious and heinous crimes, beyond jurisdiction of PBM, the case will be forwarded to the concerned law enforcement agencies.
- vii. If the complaint is against any employee of PBM the First Whistle Blowing Committee [(the committee of whistle blowing cell, Incharge (WBC), Dir.(Admin), Dir(Fin)] will look into the case.
- viii. If the complaint is against any member of the First whistle blowing committee, the case will be tackled by the second whistle blowing committee (comprising of MD PBM, Dy. MD PBM and a member BMB)
- ix. If the complaint is against any member of Second Whistle Blowing Committee, the case will be referred to third Whistle Blowing Committee to be constituted by Chairman BMB for the purpose (comprising of three (03) BMB members and Chairman BMB himself).
- x. If the complaint is against any member of BMB, the Apex Whistle Blowing Committee of PBM (comprising of Chairman BMB, Managing Director PBM and two members from BMB) will take up the case.
- xi. The arrangement of hearing/preparation of case will be the duty of whistle blowing cell. In this regard, concerned branches will be bound to provide information to the whistle blowing cell within the given time period.
- xii. The member(s) of all concerned whistle blowing committee (s) will withdraw himself/herself/themselves voluntarily if the whistle is blown against him/her/them.
- xiii. If the case is against a whole committee, (first, second or third) the next committee in order of sequential/power, as given above, will hear the case
- xiv. The Whistle Blowing Cell will be answerable to the Apex committee in connection to whistle blowing cases.
- xv. If the case is forwarded on the basis of fake proofs , the penalties will be imposed on false whistle blower(s) as prescribed
- xvi. The whistle blower will be informed formally about the outcome of complaint.
- xvii. If the case is decided against whom the whistle has been blown, the person/official concerned may appeal before the higher forums/committees in order of hierarchical power.

14. Responsibilities of Whistle Blowing Cell (WBC)

A whistle blowing cell will be established in PBM Head Office initially. The following will be the responsibilities of WBC.





- i. To ensure security and confidentiality
- ii. To implement procedures of Whistle Blowing
- iii. To liaison for state of the art soft-ware in future by IT section / any agency outsourced.
- iv. Ensuring fairness, impartiality, integrity, transparency justice while concluding the whistle blowing complaints.
- v. Making compatible, the PBM policies, regulations, manuals, SoPs, agreements, procurements etc. with whistle blowing policy
- vi. To maintain proper record (in lock and key) of all the whistle blowing cases either finalized or not, for ready reference and production of the same before the authorized forum, when required.
- vii. If anybody from whistle blowing cell (WBC) is involved to leak secrecy, the person will be liable to face the legal action as prescribed.
- viii. To process the case in accordance to the mechanism prescribed.
- ix. To create the congenial and fearless environment in the organization so that none could fail to disclose.

14.1 Administration of Whistle Blowing Cell (WBC)

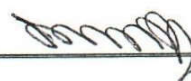
- i. The cell will be headed by Director Audit/(Audit Head) as Incharge Whistle Blowing Cell. The committee comprising of Incharge WBC, Director Admin, Director Finance will conclude the case with recommendations.
- ii. The secretarial staff of WBC will report to Incharge WBC.
- iii. If the case is against the committee member(s) of whistle blowing committee, the person(s) concerned will withdraw himself/themselves from the subject whistle blowing case
- iv. The officers in whistle blowing committee will perform duties in addition to their official duties
- v. For secretarial job, an Assistant Director, a superintendent, an assistant, a DEO, a senior clerk, a junior clerk and a Naib Qasid of integrity and repute will be posted in whistle blowing cell.

15. Format of whistle blowing complaints

15.1 Manual

The format of whistle blowing complaint encompass relevant information of whistle blower. The format of complaint has been placed at the (Annex-A).





15.2 Electronic

The format will be available on website / concerned locations for on line or manual disclosure.

For electronic whistle blowing, following electronic access will be made to the whistle blower.

- i. e-mail address -----
- ii. Website link-----
- iii. APP link -----
- iv. WhatsApp mobile no. (dedicated to WBC only)-----
- v. Fax No: (dedicated to WBC only) -----
- vi. Telephone no. (dedicated to WBC only)
- vii. The electronic links provided to WBC will be accessible by Incharge WBC only.
- viii. Internet, laptop, PC and other IT accessories of excellent quality will be ensured in WBC for efficient performance and effective tackling of whistle blowing complaints.
- ix. A dedicated mobile SIM and a mobile set supporting all latest functions will be provided to Incharge WBC. The mobile number will be displayed on media, notice' boards and websites etc. The mobile will exclusively be used for the whistle blowing purpose only.
- x. All above information will be made available on the website/promotion materials

16. Obligations of whistle blower

- i. The whistle blower shall not share the whistle blowing details to anybody. If the particulars of whistle blowing complaint are shared by the whistle blower other than WBC; his/her complaint may be dismissed, he/she may be blacklisted any future whistle blowing.
- ii. The whistle blower(s) should avoid frivolous complaint. The frivolous complaints are not only termed as unethical but also anticipate serious implications in terms of whistle blower's loss of repute, imposition of fine and award of punishments.

17. Whistle Blower(s) rights and protection

- i. Whistle blower cannot be suspended, terminated during process of his/her case of whistle blowing
- ii. Whistle blower will be paid twenty percent¹ of stolen money / property for which the whistle is blown if proved, recommended and approved.
- iii. If number of whistle blowers are more than one the twenty percent share of recovered money will be distributed amongst them in equal share or on the basis of weightage of information to be decided by the concerned whistle blowing committee.

- iv. WB Cell will extend the certificate of appreciation to the true whistle blower(s).
- v. The inquiries can't be initiated against Whistle Blower during whistle blowing process
- vi. True whistle blower can't be transferred and authority can't create hindrance, restrictions, delay to his legitimate rights/benefits, withhold powers, directly/indirectly threaten, intimidate, harass or any such action against whistle blower.
- vii. The identity of whistle blower will be disclosed to none at all even after the finalization of the case matter but subject to the written consent of whistle blower.
- viii. If at any stage, the whistle blowing committee (*concerned*) reaches at the conclusion that the identity of whistle blower has been revealed, it may impose a fine up to five hundred thousand to discloser and this fine will be paid to whistleblower.

18. Exemption from whistle blowing

The Whistle Blowing complaints will not be accepted, if the nature of whistle blowing falls under any one, few or all of the following:

- a. is likely to prejudicially affect¹:
 - i. the sovereignty and integrity of Pakistan;
 - ii. the security, strategic or economic interests of Pakistan;
 - iii. relations with foreign states;
 - iv. is prohibited under the Official Secrets Act, 1923;
- b. may lead to incitement of an offence;
- c. contains Cabinet or Cabinet Committees' papers, including records of deliberations of the Ministers, Secretaries and other offices in the Cabinet except as permitted by the Cabinet Secretary;
- d. has been expressly forbidden to be disclosed or published under any law or by a court or tribunal, or if the disclosure of information may result in contempt of court, cause a breach of privilege of Parliament or Provincial Assembly;
- e. relates to trade secrets or intellectual property, except if such information is permitted to be disclosed under the law;
- f. is available to the person making the disclosure in his fiduciary capacity, except if such information is permitted to be disclosed under the law;
- g. is received in confidence from a foreign government;
- h. impedes the process of inquiry, investigation or apprehension or prosecution of offender;

- i. endangers the life or physical safety of a person, or identifies information given in confidence for law enforcement.;
- j. Contains disclosure of personal information or if the information has relationship with public interest or if the information causes unwanted invasion of privacy, except if it is permitted to be disclosed under the law.

19. Self-Assessment of whistle blower

Although whistle blowing is the obligation of whistle blower, yet whistle blower should apply the following self-test (asking himself/herself) before initiating complaint:

- i. Do you know the duties and responsibilities of the public official against whom the whistle is going to be blown?
- ii. Do you know details of misuse of public authority or funds in context of concerned employees' duties and responsibilities?
- iii. In the light of above two answers, whistle blower may ask the following to himself: Is employee or authority involved in corruption/misuse of public funds/authority?

20. Powers and functions of Committees

- i. The Committees shall have the powers to receive and assess whistleblower's complaints.
- ii. Summoning and enforcing the attendance of any concerned and examining him on oath;
- iii. Requiring the discovery and production of any document;
- iv. Receiving evidence on affidavits;
- v. Requisitioning any record or copy from any branch/provincial office/Regional office/district office or project;
- vi. Examining of witnesses or documents; and
- vii. The committees shall have all powers of Inquiry Committee as prescribed in law.
- viii. Power of forwarding the case to law enforcing agencies, if required and.
- ix. Any other power as specified by BMB.

21. Whistle blowing and the legal frame

Whistle blowing cell may forward the case of accused public official of PBM to other law enforcing agencies. The whistle may also be made if the information contained in disclosure application is:

- i. of corruption and corrupt practices under the National Accountability Bureau Ordinance, 1999;

- ii. of a scheduled offence under Federal Investigation Agency Act, 1974;
- iii. under the Anti-Money Laundering Act, 2010;
- iv. under the Securities Act, 2015 in relation to public listed companies;
- v. cognizable under the Federal and Provincial anti-corruption laws;

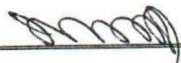
22. Role of Information Technology

- i. The WBC will be equipped with latest I.T systems and accessories for efficient response management.
- ii. The state of the art IT software will be arranged for the WBC for speedy complaint handling.
- iii. The Mobile App./websites and other interfaces will be introduced with salient features of effective complaint management solutions
- iv. High speed internet, secured and secret back up and paperless procedures will be the hallmark of WBC in future
- v. The website(s) will be made more user friendly/compatible to hassle free submission of whistle blowing complaints
- vi. Dedicated email, secured in all respects will be ensured in WB Cell.
- vii. Any other requirement necessary for strengthening WBC

23. Training and Awareness

- i. The training is very important for implementation of any policy and desired results. The periodic training will be imparted as per criteria/schedule set by Whistle Blowing Cell.
- ii. The main policy features of whistle blowing Policy will be displayed at entry points of each office of PBM.
- iii. The Whistle Blowing Policy will be displayed at PBM website and other such interfaces/locations.
- iv. The approved hard/printed copy of whistle blowing policy documents will be available in all offices of PBM for ready reference and compliance
- v. Whistle blowing complaint procedures and whistle blowing form will be available on PBM websites and related links.
- vi. The information of Whistle blowing and CoI will be incorporated in forthcoming agreements/ contracts , tender documents and current policies of PBM for awareness and compliance.





24. Impact Evaluation

The periodic impact evaluation will be conducted in order to ensure the impact of whistle blowing policy in PBM offices, projects, programs, policies, donors and its stakeholders etc.

25. Benefits of whistle blowing policy

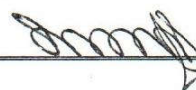
The policy of whistle blowing carries following benefits:

- i. The whistle blowing policy will lead to enhance quality management and invites corruption free environment
- ii. The policy introduces the reward system for true whistle blower the Policy discourages the false whistle blowing and impose penalties to the false whistle blower.
- iii. The policy offers protection to whistle blowers from harassment, intimidation and other adverse reactions etc.
- iv. It will increase transparency and accountability for effective management of public funds.
- v. The corruption free organization attracts confidence of private donors.
- vi. The public official will be more conscious for disclosure and avoids to violate or to misappropriate of public resources, power and authority. Employees will know their rights and obligations and try to protect future outcome of present actions.
- vii. Whistle blowing increases the vehement public confidence, image, repute and improves unshakable trust of beneficiaries/clientele.
- viii. Making religious injunction as part of annexures of the whistle blowing policy of PBM, all the employees will acquaint with religious commands and try to behave voluntarily
- ix. This policy will enhance the strong internal controls, 'future proofing', and unforeseen risks.
- x. This policy will help to enhance the quality of risk management.
- xi. The strong compliance management and speak up culture will be improved for healthier system.
- xii. Culture of honesty and integrity will be promoted in PBM. Everybody will try to live within means

26. Annual Report to BMB

Whistle blowing complaint management, actions and outcomes etc. will be the part of Annual Report. The identities of whistle blowers will not be disclosed even in annual report but subject to the written consent of the whistle blower. The Annual Report will be presented in Bait ul Mal Board in the last BMB meeting as per roaster. The subject report will be routed through Whistle Blowing Cell of PBM and via Secretary of Bait-ul-Mal Board of Management (BMB).





Annex-A

(CONFIDENTIAL)

The Incharge Whistle Blowing Cell
PBM, Head Office,
Islamabad.

Dated --/--/----

Subject: Whistle Blowing Complaint

Please find attached herewith my whistle blowing complaint for further action.

PERSONAL INFORMATION OF WHISTLE BLOWER

Name of whistle blower		
Contact Number		
e-mail ID		
WhatsApp #		
Postal Address		

Relevance of complaint (tick (✓) the relevant)

- A. Misuse of power/authority in decisions
- B. Unhealthy competition in procurement/hiring
- C. Favoritism/Nepotism
- D. Deviance to approved rules
- E. Financial Corruption
- F. Any other unethical /unlawful/ criminal negligence causing loss to public interests

Detail of whistle blowing (tick the relevant)

- i. Direct financial corruption (bribery, theft, fraud, forgery, embezzlement)
- ii. Indirect financial corruption through proxy representation or mismanagement of funds
- iii. Procurement
- iv. Hiring of services
- v. Violations of approved document (Document name----- clause-----)

(initial/sign of whistle blower)



- vi. Any other faced by whistle blower or near & dear of whistle blower (hindrance, restrictions, suspensions, delaying, withholding, threatening, intimidation, harassment to employees or lawful actions)[Tick the relevant]
- vii. Mention detail of complaint in Urdu/English in the box and attach copy of proofs with application, if applicable.

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Detail of person involved in corruption

Name of offender	
Position/Designation of offender	
Name of Project/Branch/Provincial office/district office. etc.	
Contact Number (if any)	
Address (if any)	
Any other information	

Cut -----

For office (PBM-WBCell) use only:

Date of receiving the application:/...../.....
Diary no. (Confidential):	
Received by:	Name: Designation:.....
Code no. assigned by receiver of complaint	whistle blowing /...../...../.....
Fictitious no. (to be assigned by Incharge WBC)	12 digit code with at least two alphabet letters (defined by software or manual)

Signature

Stamp/Seal (Optional)







References from Holy Quran

Allah says:

Let a group of you invite all good things (Al-Ma'rūf) and prohibit wrong (Al-Munkar). They are successful people. (Q3: 104)

Allah says:

You are the best nation that you have brought to the people of the world: you uphold the right, prohibit the wrong, and you believe in Allah. (Q3: 110)

Allah says:

Believers, men and women, are each other's Oliyās (helpers, supporters, friends, protectors), they order good (Maruf) and prohibit wrong (Al-Munkar); they perform As-Salat and give Zakat to obey Allah and his messenger. Allah will show mercy to him. Of course, Allah is omnipotent and wise. (Q9: 71)

He says:

Those (Muslim rulers), if we grant them power on the land, they will specify according to Qamat Salah as an order, The Zakat and they order good (Al-Ma'rūf), and prohibit wrong (Al-Munkar). With Allah, the end of everything (biological) is over. (Q22:41)





Annex-C

Reference from Hadith

Hadith No.	English translation	Link
49 Muslim	<p>It was Marwan who initiated (the practice) of delivering khutbah (address) before the prayer on the 'Id day. A man stood up and said: Prayer should precede khutbah. He (Marwan) remarked, This (practice) has been done away with. Upon this Abu Sa'id remarked: This man has performed (his duty) laid on him. I heard the Messenger of Allah as saying: <u>He who amongst you sees something abominable should modify it with the help of his hand; and if he has not strength enough to do it, then he should do it with his tongue, and if he has not strength enough to do it, (even) then he should (abhor it) from his heart, and that is the least of faith.</u></p>	<p>https://sunnah.com/muslim:49a</p> <p>Here tongue can be used to prohibit wrong and tongue is similar to whistle blowing</p>
Muslim 2959	<p>A servant says, My wealth. my wealth, but out of his wealth <u>three things</u> are only his: whatever he <u>eats</u> and makes use of or by means of which he <u>dresses</u> himself and it wears out or he as <u>charity</u>, and this is what he stored for himself (as a reward for the Hereafter), and what is <u>beyond this</u> (it is of no use to you) because you are to depart and <u>leave it for other people.</u></p>	<p>https://sunnah.com/muslim:2959a</p>

Reference from Fiqh

Principles and conditions for denouncing wrong doing and promoting truth in Islamic realm¹.

The **first condition** is that he should know the Islamic ruling concerning that which he is enjoining or forbidding, so he should only enjoin that which he knows that sharee'ah enjoins, and he should only forbid that which he knows sharee'ah forbids, and he should not rely on his taste or customs with regard to that.

The **second condition** is that he should know the situation of the person addressed: is the one who should be enjoined or forbidden, or not? If he sees a person who he is not sure whether he is accountable or not, he should not enjoin anything upon him until he finds out.

The **third condition** is that he should know about the person who appears to be accountable: has he done the action he wants to enjoin, or not? If he sees someone enter the mosque and sit down, and he is not sure whether he did the two rak'ahs to the masjid or not, he should not denounce him or tell him to do them, rather he should find out more.

The **fourth condition** is that he should be able to enjoin what is good and forbid what is bad, without bringing harm upon himself. If it will bring harm upon him, then he does not have to do it, but if he is patient and does it that is better because all duties are subject to the condition that one is able to do them.

The **fifth condition** is that enjoining what is good and forbidding what is evil, should not result in any evil greater than keeping quiet. If that will result then he does not have to do it, rather it is not permissible for him to enjoin what is good and forbid what is evil (Imam Qurtubi, 2009, p. 253).

1. www.researchgate.net/publication/330208502

Annex-E

SPECIMEN OF OATH OF WHISTLE BLOWER

(In the name of Allah, the Most Beneficent and most Merciful)

I, _____, do solemnly swear that the information disclosed by me, and allegations in whistle blowing application, are true to the best of my knowledge and belief. I may be penalized as per Whistle Blowing Policy if the subject allegations are proved false. I shall have no objection in that regard.

Name: _____

Designation if any: _____

Date: _____



Reference from Hadith

Hadith No.	English translation	Link
Ibn e Maja 3966	"Among the <u>worst people</u> in status before Allah on the Day of Resurrection will be a person <u>who loses his Hereafter</u> for the sake of this world."	https://sunnah.com/ibnmajah/36
Sunan abi Dawud 3383	Narrated Abu Hurairah: The Messenger of Allah ﷺ having said: Allah, Most High, says: " <u>I make a third with two partners as long as one of them does not cheat the other</u> , but when he cheats him, I depart from them. "	https://www.urdupoint.com/islam/hadees-detail/sunan-abi-dawud/hadees-no-18212.html

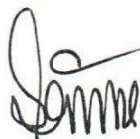

Signature

Signature

Signature

Reference from Hadith

Hadith No.	English translation	Link
Tremzi 2416	Ibn Mas'ud narrated that the Messenger of Allah (s.a.w) said: The feet of the son of Adam shall not move from before his Lord on the Day of Judgement, until he is asked about <u>five things</u> : about his <u>life</u> and what he did with it, about his <u>youth</u> and what he <u>wore</u> it out <u>in, about his wealth and how he earned</u> it and spent it upon, and what he did with what he <u>knew</u> .	https://hamariweb.com/islam/hadith/jami-at-tirmidhi-2416/
Tremzi 2459	Shaddad bin Aws narrated that the Prophet (S.A.W) said: The <u>clever person</u> is the one who subjugates <u>his soul</u> , and works for what is <u>after death</u> . And the <u>incapable</u> is the one who <u>follows his desires</u> and <u>merely hopes in Allah</u> .	https://hamariweb.com/islam/hadith/jami-at-tirmidhi-2459/

<p>Muslim 2581</p>	<p>Do you know who is poor? They (the Companions of the Holy Prophet) said: A poor man amongst us is one who has neither dirham with him nor wealth. He (the Holy Prophet) said: “The <u>poor of my Umma</u> would be he who would come on the Day of <u>Resurrection</u> with <u>prayers and fasts</u> and <u>Zakat</u> but (he would find himself <u>bankrupt</u> on that day as he would have exhausted his funds of virtues) since he <u>hurled abuses</u> upon others, brought <u>calumny</u> against others and <u>unlawfully consumed the wealth of others</u> and <u>shed the blood of others</u> and beat others, and <u>his virtues would be credited to the account of one (who suffered at his hand).</u> And if his <u>good deeds fall short</u> to clear the account, then his sins would be entered in (his account) and he would be <u>thrown in the Hell-Fire.”</u></p>	<p>https://sunnah.com/muslim:2581</p>
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