

ANTI TERRORISM POLICY

We pledge to No tolerance to Terrorism



Reach India Trust has developed this policy to ensure that Trust's and donor funds and resources are not being used directly or indirectly to support terrorist activities and to provide a clear guide on what to do if terrorist activity is suspected. More broadly, this policy will support REACH INDIA TRUST to implement its activities in line with its mission statement and core principles.

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ANTI TERRORISM POLICY

PURPOSE	TO ENSURE THAT WE HAVE EFFECTIVE MEASURES TO RECEIVE AND USE FUNDS, WITH APPROPRIATE PARTNERS, FOR THE INTENDED PURPOSES AND TO PROTECT REPUTATION OF THE ORGANIZATION.
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APPROVED BY :	BOARD
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DATE OF NEXT REVIEW:	1-9-2022
LINKED ACTS AND POLICIES	INDIAN TRUST ACT 1882, ARBITRATION AND CONCILIATION ACT, 1996, HR POLICY, FINANCE POLICY OF REACH INDIA TRUST, DUE DILIGENCE POLICY

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See More at:

<http://reach-india.org/>

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1. BACKGROUND:

Reach India, a professionally managed non-government organization with its registered office in Kolkata, works for poor and marginalized communities especially women, adolescent girls and youth in the poverty endemic States of India. Reach works across thematic verticals of public health, livelihoods, financial literacy and skill building, either as a lead capacity building-implementing agency or in collaboration with some partner NGOs or as technical support to flagship development programmes.

Reach India Trust as a national level NGO recognizes that there may be a risk of its donor funds being diverted by staff, contractors, financial service providers and partners to finance or support terrorist activities.

Reach India Trust socially responsible to protect the country, people, and constitutional norms to protect the country from any terrorist activities. We recognize that Govt. of India has taken several good initiatives and have applied different approaches and levels of regulation and safeguards toward controlling terrorism. We have full faith on the Govt. initiatives and agreed to take necessary action against terrorism as directed by the Government in the policies and programmes.

Reach India Trust recognizes that, as other sectors (e.g. financial sector/business) are tightening their safeguards against terrorist abuse, there is a risk that terrorist organizations may focus more attention to the development sector. Being a responsible organization, we also act as per the govt. directives and for that, we have developed this policy to ensure that we are consistent in our approach and maintain internal control.

Reach India Trust believes that strong effective governance, finance and partner management are key to preventing abuse. This policy highlights the mechanisms in place. The issue of diversion of aid and contravention of counter-terrorism legislation is viewed as an internal control and risk management issue alongside fraud, bribery and corruption.

Reach India Trust has developed this policy to ensure that Trust's and donor funds and resources are not being used directly or indirectly to support terrorist activities and to provide a clear guide on what to do if the terrorist activity is suspected. More broadly, this policy will support Reach India Trust to implement its activities in line with its mission statement and core principles.

Our donors / funding agencies have extensive legislation around anti-terrorism and national security. International and national bodies impose strict obligations on funding recipients to ensure that funds do not support terrorist activities. Reach India Trust will use its best practices and principles to ensure that our programmes are conducted in the context of these laws and obligations.

Failure to comply with donor requirements could significantly impact the reputation of Reach India Trust as well as expose the organization to potential penalties. This policy, therefore, articulates Reach India Trust's commitment to avoid involvement in terrorist activities and terrorist financing and outlines processes and procedures aimed at preventing, stopping, and punishing terrorism financing that has the capacity to result in the diversion of humanitarian aid or assistance.

2. POLICY STATEMENT

Reach India Trust renounces all forms of terrorism and will never knowingly support, tolerate or encourage terrorism or the activities of those who embrace and or finance terrorism. It is the policy of Reach India Trust to seek to ensure that none of its and its donor funds is used, directly or indirectly, to provide support to individuals or entities associated with terrorism. In accordance with this policy, Reach India Trust undertakes to use reasonable efforts to ensure that none of its or its donor funds are used to provide support to individuals or entities associated with terrorism.

3. NATIONAL AND INTERNATIONAL REGULATIONS:

Reach India Trust recognizes the regulations by which donor countries abide. Reach India Trust also recognizes relevant legislation related to counterterrorism. Reach India Trust being a national level organization

have always abide by the legislation enacted by the Parliament of India, such as, Unlawful Activities (Prevention) Act (UAPA)¹, Foreign Contribution Regulation Act², financial regulations and any other legislation made by Parliament or State legislature for to combat organized crime. We will also follow all the clauses that accepted and signed by Govt. of India under “United Nations Security Council resolutions”. Reach India Trust is firmly committed to the national and international fight against terrorism, and in particular, against the financing of terrorism.

4. INDIA’S LEGISLATIVE PERSPECTIVE ON TERRORISM:

Section 15 of the UAPA provides definitions for terrorism and terrorist act, as follows;

Whoever does any act with intent to threaten or likely to threaten the unity, integrity, security or sovereignty of India or with intent to strike terror or likely to strike terror in the people or any section of the people in India or in any foreign country,—

- a) by using bombs, dynamite or other explosive substances or inflammable substances or firearms or other lethal weapons or poisonous or noxious gases or other chemicals or by any other substances (whether biological radioactive, nuclear or otherwise) of a hazardous nature or by any other means of whatever nature to cause or likely to cause—
 - (i) death of, or injuries to, any person or persons; or
 - (ii) loss of, or damage to, or destruction of, property; or
- b) Disruption of any supplies or services essential to the life of the community in India or in any foreign country; or
- c) damage or destruction of any property in India or in a foreign country used or intended to be used for the defence of India or in connection with any other purposes of the Government of India, any State Government or any of their agencies; or
- d) overawes by means of criminal force or the show of criminal force or attempts to do so or causes death of any public functionary or attempts to cause death of any public functionary; or
- e) detains, kidnaps or abducts any person and threatens to kill or injure such person or does any other act in order to compel the Government of India, any State Government or the Government of a foreign country or any other person to do or abstain from doing any act, commits a terrorist act.

Section 16 of the UAPA prescribed punishment for Terrorist Act which may up to life imprisonment depending on gravity. For the purpose of our policy, UAPA definition is first reference point to put in place all checks to ensure our funds of donors funds cannot be used in such activities.

5. UN SECURITY COUNCIL

In 2004, the United Nations Security Council Resolution 1566 condemned terrorist acts as:

Criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act, which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature³.

Also, United Nations Security Council resolutions, including *S/RES/1269*⁴, *S/RES/1368*⁵ and *S/RES/1373*⁶,

¹ Unlawful Activities (Prevention) Act, 1967 and subsequent amendments thereof

² Foreign Contribution regulation Act, 2010 and rules and regulations made there under.

³ <https://www.un.org/press/en/2004/sc8214.doc.htm>; “Acting under Chapter VII of the Charter of the United Nations”; sub rule 3.

⁴ 1999

⁵ 2001

is firmly committed to the international fight against terrorism, and in particular, against the financing of terrorism. It is the policy to ensure that none of its and its donor funds is used, directly or indirectly, to provide support to individuals or entities associated with terrorism.

6. ACTIVITIES THAT CONSIDER ACT OF TERRORISM FOR UNDER THE POLICY: -

The policy will be changed and updated from time to time, as per the govt. rules and regulations and directives. Some points for easy understanding:

- i. The anti-terrorism policy will consider such clauses as “act of terrorism” that is mentioned by UAPA or any other legislation passed by the parliament or state legislature to deal with terrorism and terrorism financing as well as FCRA and resolution passed by the UN security council.
- ii. Diversion of donor fund by any designated person with or without the consent of the donor to commit any terrorist activities mentioned in the acts passed by the Parliament and UN Security Council.
- iii. Supporting any activities / movement that disturbs communal harmony
- iv. Conduct any activities that instigate riot / communal unrest / massacre
- v. Instigate any conspiracy within or outside the organization that create unintentional involvement of the individuals / organization / board / partners in any unlawful activities,
- vi. Promotion of religious radicalism within the organization / intervention field that breaks communal harmony,
- vii. Using organizational fund / own money / any diverted fund or diversion of the project or organizational fund in such activities that effect in loss of life of individual / mass killing / loss of public and govt. property/ set riot and disturb communal harmony.
- viii. Support or take participation in any movement / association which declared by any local / national / international government agencies / authority under “Act of Terrorism”.
- ix. Manipulating the document / submission of fake documents / forgery / falsification of or with the organizational / own documents

7. ACTIVITIES THAT ARE NOT CONSIDERED AS ACT OF TERRORISM FOR UNDER THE POLICY:

- i. Keeping faith in any religion and take participation in any religious activities.
- ii. Keeping belief in any political ideology and taking participation in any political meetings, gathering, demonstrations, and movement, provided that association instigate any type of unrest within and outside the organization.
- iii. Supporting any ideology, unless it’s transformed into an action that creates instability within and outside the organization.
- iv. Helping / rescue / support an individual, group, community from disturbed situations or affected due to riot /terrorist activities / civil unrest etc.

8. SCOPE

- i. This policy applies to all Reach India Trust governance members, staff, interns and volunteers, financial service providers and contractors (suppliers, service providers and consultants).
- ii. This policy also applies to all partner organizations, their board members, staff, volunteers & interns, financial service providers, contractors and sub-grantees implementing projects with technical and financial support from Reach India Trust.

9. MECHANISMS TO FIGHT TERRORISM

Approach

Reach India Trust’s procedures have a strong emphasis on “Identification - Prevention - Respond”. To minimize the risk of aid diversion, and in particular terrorism financing, REACH INDIA TRUST employs the following approach:

- a) Maintaining all recommendation / compliance under foreign contribution regulation Act as specified by the Ministry of Home Affairs (MHA) govt. of India.
- b) Reach India will also check the authenticity of the source of grant. The source of grant should not be such source which has banned or black listed by any national and international authority / or under prior permission by MHA / engaged in promotion of terrorism within and outside the country / engaged in conducting unlawful activities/ involved in any major confrontation with the government or its subsidiary agencies/ department.
- c) Enforces a strict code of conduct among its staff and staff of partner organizations with a strong reference point to anti-diversion and a statement on financial transactions.
- d) Maintains comprehensive financial records which account for all expenditure and publishes annual financial statements with a detailed breakdown of incomes and expenditures.
- e) Conducts annual external audit of all expenses as well as external audits of specific projects.
- f) Reserves the right to carry out reference checks on individuals with whom Reach India Trust has or plans to have a contractual link to ensure these individuals are not associated with terrorism.
- g) Ensure training of its staff and partners on anti-diversion policies, procedures and practices.
- h) Conducts an in-depth due diligence of partners and sub-grantees, including reference check to ensure the partner/sub-grantee does not appear on counter-terrorism lists.
- i) Applies a “know your supplier” principle for any type of procurement.
- j) Conducts regular risk analysis concerning anti-terrorism activities. The risk analysis typically includes are view of the relevant legal requirements of donor governments, state governments, as well as donor policies and sector standards (if any) from other sectors. It also includes security analyses, including stakeholder analyses, to determine the risk of terrorism targeting or undermining our operations.

10. ENFORCEMENT

i. Chief functionary and Focal Points are responsible for:

- Ensuring that Reach India Trust and all staff members, volunteers & interns and contractors comply with all relevant legislation, and “Act of Misconduct” mentioned in the HR manual / policies of Reach India Trust;
- Ensuring that all partner organizations and their board members, staff members, volunteers and contractors implementing aid and development projects funded by or through Reach India Trust comply with all relevant legislation and policies.
- Reporting to the Chief Functionary any information which could relate to breaches of this policy.

ii. All employees, volunteers & interns are responsible for:

- Complying with this policy and other relevant legislation.

iii. Reach India Trust’s Human Resources Department is responsible for:

- Recruitment of employees, volunteers & interns, and any additional Third-party reference checks;
- Ensuring that each member of staff abides by Reach India Trust’s Code of Conduct/ HR policy;
- Ensuring adherence to relevant data protection legislation;
- Providing support to managers and other staff during any complaint or dismissal process.

iv. Reach India Trust’s statutory auditor is responsible for:

- Ensuring that up to date risk assessments and contextual analysis are provided for each area of intervention to determine risks (of aid diversion).

v. REACH INDIA TRUST Finance Department is responsible for:

- Maintaining financial records and tracking all expenses and incomes: **Reach India Trust’s** maintains an accounting system that allows tracking any expenses or incomes with a unique reference (voucher number) in the system. Each direct cost is linked to a specific project, contract and donor;
- Controlling the use of Reach India Trust’s funds: through internal control mechanism as outlined in Reach India Trust’s Finance manual and procedures;

- Bank management: authorized levels to carry out financial operations, segregation of duties, signatures, monthly bank reconciliations contribute to having a clear picture on the use of funds and avoid misuse of funds;
- Cash management: cash keeping processes, segregation of duties, monthly cash checking, contribute to having a clear picture on the use of funds and avoid misuse of funds;
- **Money transactions:**
 1. Control done before payment: as defined in **Reach India Trust's** finance manual and procedures, no commitment of expense can be done without authorization, must be documented with both internal (validation of the expense beforehand, including purpose of the transaction and link to the budget line of the donor's contract) and external documentation (bill, receipt, proof that the service or good has been provided). Then only the expense can be done and booked in the system.
 2. Bank transfers are preferred. In case of payment to be done in cash, a specific procedure has to be followed with identity check of the person coming to collect the payment at the office.
 3. Following any payment by **Reach India Trust's**, a confirmation of the receipt of funds is systematically requested.
 4. Donations can only be accepted - as any other source of funding going through **Reach India Trust's** - upon Head office review and validation.
 5. No donation can be done by **Reach India Trust's** to an external entity without Chief Functionaries / finance dept / project leads review and validation, due diligence of the entity and signature of a contract.

vi. Reach India Trust's core team is responsible for:

- Procurement and contractor/ supplier management based on the "know your supplier" principle which includes Third Party Reference check to ensure that vendors / suppliers do not appear as a black listed agency by any national / international organization.
- Administering Ethical Procurement Policy for suppliers;
- Controlling the use of Reach India Trust's assets and stocks through internal control mechanism as outlined in the RIT Financial Manual.

vii. Reach India Trust's Core team along with the project management team is responsible for:

- Due diligence and selection of partner organizations;
- Training and oversight of partner organizations (with the support of the above- mentioned departments);
- Project cycle management, incl. monitoring and evaluation to improve the relevance, quality and accountability of Reach India Trust's programs.

viii. Reach India Trust's Transparency Focal Point (Auditor) is responsible for:

- Compliance with Reach India Trust's procedures including Anti-Fraud and Corruption Policy;
- Monitoring of this policy and adherence by staff, volunteers, partner organizations and contractors to this policy.

11. REPORTING / RESPOND

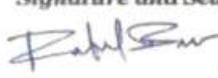
In case of suspected terrorism-related activity, reach India Trust:

- a. Encourages stakeholders to report the suspected terrorist activity as per the policy using confidential means to the Core Team and Chief Functionary.
- b. It will be the role of the chief functionary and the core team to conduct preliminary investigation actions and if necessary, involve board to necessary actions.
- c. A separate committee can be formed to investigate the matter if it is related to the Core team.
- d. Investigates according to Reach India Trust's HR, Financial policy and takes action accordingly;

- e. Intimate the donor immediately if any link is discovered between funds, and assisted organization and a terrorist-related organization.

Adoption of the Policy

This Policy has been adopted by the Trustees and signed by the Chief functionary of the REACH INDIA TRUST

Signature and Seal



Signed _____ Date 14.9.2020
(Chief Functionary)

-----**End of the Policy**-----