

AMRIT BANASPATI COMPANY PRIVATE LIMITED

POLICY FOR PREVENTION OF SEXUAL HARASSMENT (POSH)

1. INTRODUCTION

This Policy has been framed in accordance with the provisions of “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and Rules framed thereunder (hereinafter “the Act”). The Policy intends to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters related thereto.

2. COMMITMENT

All employees have a right to be treated with dignity and to work in an environment free of sexual harassment. The management of Amrit Banaspati Company Pvt. Ltd. (‘the Company’) will not permit or condone sexual harassment at work. The management will make every reasonable *effort* to ensure that no employee or visitor or other person is subjected to sexual harassment at any of the Company's workplaces. The Management assures that allegations of sexual harassment will be dealt with seriously, expeditiously and confidentially, and employees will be protected against victimization or retaliation for making or supporting a complaint of sexual harassment.

3. OBJECTIVE

Sexual harassment at workplace is considered violation of women’s right to equality, life and liberty. It creates an insecure and hostile work environment, which discourages women’s participation in work, thereby adversely affecting their social and economic empowerment and the goal of inclusive growth. With more and more women joining the workforce, both in organized and unorganized sectors, ensuring an enabling working environment for women through legislation is felt imperative by the Government. The Act contains provisions to protect every woman from any act of sexual harassment irrespective of whether such woman is employed or not. The objectives of this Policy broadly are as under:

- (i) To comply with the directives of Hon’ble Supreme Court of India and the provisions of the Act requiring all employers to develop and implement a policy for prevention of sexual harassment at the workplace;
- (ii) To evolve a permanent mechanism for the prevention and redressal of sexual harassment cases and other acts of gender based violence at the workplace; and
- (iii) To follow and implement the Act enjoining all employers to constitute an “Internal Complaints Committee” and lay down guidelines for redressal of complaint related to sexual harassment of Women at the workplace.

4. SCOPE

4.1 This Policy shall apply to all Employees of the Company whether at the office(s) of the Company or elsewhere.

4.2 This Policy shall apply to all allegations of sexual harassment (as defined hereinafter) made by an Employee, against another employee, occurring or having occurred within or outside the premises of the Company, including allegations made by employees on overseas programs and trainings and/or during the course of an employee's employment with the Company. This policy shall apply in respect of any act of sexual harassment which may have been committed in any place visited by any employee, travel to such place having been occasioned by or arising out of, during or in the course of employment with the Company. The policy shall also apply to all allegations of sexual harassment made by a third party against an employee or vice versa, if such sexual harassment has occurred within the Company's premises or during the course of such employee's employment with the Company.

4.3 This Policy is not intended to impair or limit the right of any employee seeking a remedy available under law. Proceedings under this Policy shall continue notwithstanding any proceedings initiated by a Complainant against an alleged perpetrator under any law in force.

5. DEFINITIONS

1. **Sexual harassment** may occur not only where a person uses sexual behavior to control, influence or affect the career, salary or job of another person, but also between co-workers. It may also occur between a Company's employee and someone that employee deals with in the course of his/her work who is not employed by the Company.

"Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication):

a) Any unwelcome sexually determined behavior, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behavior or conduct was directed namely:

- (i) Physical contact and advances; or
- (ii) Demand or request for sexual favors; or
- (iii) Making sexually colored remarks or
- (iv) Showing pornography; and
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

b) The following circumstances if it occurs or is present in relation to any sexually determined act or behavior amount to sexual harassment:

- Implied or explicit promise of preferential treatment in employment; or
- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threat about the present or future employment status; or
- Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
- Humiliating treatment likely to affect her health or safety.

Some common forms of sexual harassment would include, inter alia:

- *Physical harassment* (for example, leering, sexual groping, kissing, patting, pinching or touching in a sexual manner, affectionate gestures that are inappropriate in the circumstances, unwelcome staring, sexually-offensive physical conduct, sexual violence, etc.);
 - *Verbal Harassment* (for example, propositions or inappropriate comments, unwelcome comments about a person's sex or private life, jokes and insinuations, sexually explicit conversation, suggestive comments about a person's appearance or body, verbal innuendoes, repeated social invitations for dinner or drinks or dates or the like, unwelcome flirting, sexual taunts, lewd or provocative comments and gestures, sexually abusive jokes or other language, etc.);
 - *Gestural harassment* (for example, sexually suggestive gestures, such as nods, winks, gestures with the hands, fingers, legs or arms, lascivious looks or other gestures associated with sexuality, etc.);
 - *Written or graphic harassment* (for example, sending pornographic pictures through e-mail, putting up pin-ups or addressing unwanted love letters to an employee, displaying of pornography and the writing of graffiti which singles out or demeans individual employees, derogatory posters, cartoons or drawings, etc.);
 - *Emotional harassment* (for example, behaviour which isolates, is discriminatory towards, or excludes a person on the grounds of his or her sex. Other sex-based conduct may in the circumstances also constitute sexual harassment, such as making disparaging comments on the role of women, their place in the labour market, or their skills and capabilities, inaccurate criticisms of job performance, a condescending or paternalistic attitude undermining dignity, etc.).
2. **Aggrieved woman:** In relation to a workplace, a woman, of any age, whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent and includes contractual, temporary, visitors.
 3. **Respondent:** A person against whom a complaint of sexual harassment has been made by the aggrieved woman
 4. **Employee:** A person employed at the workplace, for any work on regular, temporary, ad-hoc or daily wage basis, either directly or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a coworker, a contract worker, probationer, trainee, apprentice or by any other

such name.

5. **Workplace:** 'Workplace' includes any place visited by the employee arising out of or during the course of employment including transportation if provided by the Management for undertaking such journey. 'Workplace' or 'at work' would also include, inter alia, office parties, work-related social functions, phone calls, sending messages through cellular phones or email from home even on an off day, or other contacts outside office hours and work-related interactions. Thus, it is not the physical workplace that would govern, but the "access" that a perpetrator has to the recipient of sexually harassing behavior by virtue of a job situation or relation that is relevant.
6. **Employer:** A person responsible for management supervision and control of the workplace.

6. REDRESSAL MECHANISM

In compliance with the Act, if the complainant warrants formal intervention, the complainant needs to lodge a written complaint, which shall be followed by a formal redressal mechanism as described in this Policy. In case of a verbal complaint, the complaint will be reduced in writing by the receiver of the complaint and signatures of the complainant will be obtained.

A. Internal Complaints Committee

To prevent instances of sexual harassment and to receive and effectively deal with complaints pertaining to the same, an "**Internal Complaints Committee**" (ICC) has been constituted. The ICC shall comprise of the following members:

- (a) **Presiding Officer:** A woman employed at senior level in the Company or in Group Company familiar with rights of women and issues concerning women;
- (b) At least 2 members from amongst employees, committed to the cause of women or having legal knowledge; and
- (c) One external member, familiar with the issues relating to sexual harassment.

At least one half of the total members of the ICC shall be women

The present composition of the Committee is as under:

Mrs. Jaya Bajaj*	Chairperson/ Presiding Officer
Mrs. Bimla Saini	Member
Mr. Rishabh Aggarwal, GM (Finance & Taxation)	Member
Mrs. Jyoti Arora	Member

* Mrs. Jaya Bajaj is Managing Director of one of the Group companies, namely, Amrit Agro Industries Ltd.

The ICC will be responsible for:

- Receiving complaints of sexual harassment at the workplace;
- Initiating and conducting inquiry as per the established procedure;
- Submitting findings and recommendations of inquiries;
- Coordinating with the employer in implementing appropriate action;
- Maintaining strict confidentiality throughout the process as per established guidelines; and
- Submitting annual reports in the prescribed format.

B. Procedure for Resolution, Settlement or Prosecution

(a) Complaint of Sexual Harassment

Any aggrieved woman may make a written complaint against the respondent to the ICC. Such complaint shall be made within a period of three months from the date of incident and in case of series of incidents, within a period of three months from the date of the last incident. Where such complaint cannot be made in writing, the Presiding Officer or any member of the ICC shall render all reasonable assistance to the woman for making the complaint in writing. The ICC may, however, for reasons to be recorded in writing, extend the aforesaid time limit of three months by period not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the initial period of three months.

The complainant shall submit to the ICC, six copies of the complaint along with supporting documents and the names and addresses of her witnesses. On receipt of the complaint, the ICC shall send one of the copies received from the aggrieved woman to the respondent within a period of seven working days. The respondent shall file his reply to the complaint along with his list of documents, and names and addresses of witnesses, within a period not exceeding ten working days from the date of receipt of the documents provided by the Complainant.

(b) Conciliation

The ICC may, before initiating a formal inquiry *and at the request of the aggrieved woman* take steps to settle the matter between her and the respondent through conciliation. However, no monetary settlement can be made a basis of conciliation. If such conciliation fructifies into a settlement, the ICC shall record the settlement so arrived at and forward the same to the Management to take action as specified in the recommendation. The ICC shall provide copies of the settlement to the aggrieved woman and the respondent. Where such settlement is arrived at, no further inquiry shall be conducted by the ICC.

(c) Enquiry

Except where conciliation fructifies into a settlement, in all cases where the respondent is an employee, the ICC shall make inquiry into the

complaint in accordance with the provisions of the service rules/ standing orders applicable to the respondent. The ICC shall also conduct the inquiry if the respondent fails to comply with any term or condition of the settlement. Where both the parties are employees, they shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the ICC.

The ICC shall make inquiry into the complaint in accordance with the principles of natural justice. The ICC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the complainant or respondent fails, without sufficient cause, to present herself or himself in the inquiry. The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the ICC. In conducting the inquiry, a minimum of three Members of the ICC including the Presiding Officer shall be present. The inquiry would be completed within a period of ninety days.

(d) Action during pendency of inquiry

During the pendency of an inquiry, on a written request made by the aggrieved woman, the ICC may recommend to the Management to (a) transfer the aggrieved woman or the respondent to any other workplace; or (b) grant leave to the aggrieved woman up to a period of three months; or (c) restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another officer; or (d) grant such other relief to the aggrieved woman as may be prescribed by the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013*. The management would implement such recommendations and send the report of implementation to the ICC.

(e) Suspension pending enquiry

The respondent may also be suspended pending or in contemplation of such inquiry. During the suspension period, the suspended employee shall be entitled to receive only a subsistence allowance as provided under the Standing Orders. If Standing Orders are not applicable, subsistence allowance shall be paid to the respondent at the rate of 50% of his/her salary to which he/she was entitled immediately preceding the suspension, for the first ninety days of suspension. If the suspension is delayed beyond 90 days for reasons not directly attributable to the respondent, the subsistence allowance shall be increased to 75% of the salary to which he/she was entitled immediately preceding to his/her suspension

(f) Restraint Order

Apart from the above, on receipt of a complaint of sexual harassment from an aggrieved woman and during the pendency of inquiry, the ICC, on a written request made by the aggrieved woman, may, if it thinks fit and

proper, pass a restraint order directing the respondent not to contact or influence or intimidate or exert pressure on the aggrieved woman or any person in the aggrieved woman's confidence. Such restraint order shall warn the respondent that any violation of the terms thereof by him would be liable to prove prejudicial to his case.

The aggrieved woman or any other person should intimate, in writing, the ICC of any violation of the Restraint Order by the respondent or any person(s) acting on his behalf. If the ICC is convinced of the truth of such allegations, it may summon the respondent in person and issue a warning that such behaviour may lead to an adverse inference being drawn against him. In any case, the ICC shall consider all violations of the restraint order while arriving at its findings

(g) Inquiry Report

On completing the inquiry, the ICC will provide a report of its findings to the management within ten days from the date of completion of the inquiry. Copies of the report would also be supplied to the concerned parties. If the ICC concludes that the allegation against the respondent is not proved, it shall recommend to the management that no action is required to be taken in the matter.

However, if the ICC concludes that the allegation against the respondent has been proved, it shall recommend to the management:

- (i) To take action to sexual harassment as a misconduct in accordance with this Policy and the provisions of the service conditions or the certified standing orders, as the case may be, as applicable to the respondent;
- (ii) To deduct, notwithstanding anything in the service rules/ standing orders applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, after having regard to (a) the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman, (b) the loss in the career opportunity due to the incident of sexual harassment, (c) medical expenses incurred by the victim for physical or psychiatric treatment, (d) the income and financial status of the respondent, and (e) feasibility of such payment in lump sum or in instalments. However, if the management is unable to make such deduction from the salary of the respondent due his being absent from duty or cessation of employment, the ICC may direct the respondent to pay such sum to the aggrieved woman. In case, however, the respondent fails to pay such sum, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer notified by the appropriate Government

for the district under the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.

- (iii) The management shall act upon the recommendation of the ICC within sixty days of the receipt thereof.

(h) Misconduct

The Management shall treat commission of an act constituting sexual harassment by an employee as a disciplinary offence. Victimising or retaliating against a complainant for making a complaint of sexual harassment in good faith shall also be treated as a disciplinary offence. However, a proven malicious complaint of sexual harassment or one made by the complainant despite knowing it to be false would also be treated as a disciplinary offence. Similarly, if the complainant produces any forged or misleading document or if a witness during the inquiry gives false evidence or produces any forged or misleading document, such act would also be treated as a disciplinary offence.

(i) Disciplinary action

If the result of the investigation/ inquiry holds the alleged harasser guilty of sexual harassment, the Management shall take appropriate disciplinary action against the harasser.

Subject to the provisions of this Policy, the Management may inflict any of the following punishments on the perpetrator of sexual harassment, or an aggrieved woman/other employee found guilty of making a malicious complaint against the respondent or making a false complaint against the respondent knowing it to be false or producing forged or misleading document:

- Written warning;
- Written apology;
- Reprimand or Censure;
- Withholding of promotion;
- Withholding of pay raise or increments;
- Termination or dismissal from service;
- Undergoing a counseling session;
- Carrying out community service;
- Any other punishment provided in the Service Conditions/Standing Orders or as deemed fit and proper by the Management.

The above punishments may also be imposed on a delinquent employee found guilty of victimizing or retaliating against a complainant for making a complaint of sexual harassment in good faith or for victimizing or retaliating against any person for supporting the complainant, or for violating the Restraint Order issued by the ICC in terms of this Policy or for breaching the condition of confidentiality in terms of this Policy or for

violating any other norm or condition laid down or prescribed by this Policy.

The inquiry for the purposes of determining the truth or otherwise of allegations of sexual harassment made against the alleged harasser would be held in accordance with the principles of natural justice. In this connection, reference may also be made to the relevant provisions of the Service Conditions or Certified Standing Orders, as the case may be, applicable to the employees.

C. Punishment for false or malicious complaint and false evidence

- (a) If the ICC concludes that the allegation against the respondent is malicious, or the aggrieved woman or any other person making the complaint has made the complaint knowing it to be false or produced any forged or misleading document, it may recommend to the Management to take action against the woman or the person who has made the complaint in accordance with this Policy and the provisions of the Service Conditions or the Certified Standing Orders, as the case may be.
- (b) Similarly, if the ICC concludes that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the Management or the employer of the witness, as the case may be, to take action in accordance with the provisions of the service rules/standing orders applicable to the said witness or where no such service rules/ standing orders exist, in such manner as may be prescribed by *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013*.

7. PROHIBITION OF AND PENALTY FOR PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINTS OR ENQUIRY PROCEEDINGS

All employees should note that the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* prohibits the publication, communication, or making known to the public, press and media in any manner, the contents of the complaint made by the 'aggrieved woman' or the identity and addresses of the 'aggrieved woman', respondent and witnesses, as also any information relating to conciliation and inquiry proceedings, recommendations of the ICC, and the action taken by the management.

8. CRIMINAL PROCEEDINGS

The management would provide assistance to the aggrieved woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force. The management would also cause to initiate action, under the Indian Penal Code or any other law for the

time being in force, against the perpetrator.

9. THIRD PARTY HARASSMENT

The management also stands committed to take appropriate preventive and remedial action to prevent sexual harassment of its employees by non-employees at its workplace. Where sexual harassment occurs as a result of an act by any third party or outsider, the management would take all steps necessary and reasonable to assist the victim in terms of support and preventive action.

The management would cause to initiate action under the Indian Penal Code or any other law for the time being in force against such perpetrators. Further, in such cases, if the aggrieved woman so desires, the management would cause to initiate action in the workplace at which the incident of sexual harassment took place.

In such cases the aggrieved woman should promptly report the sexual harassment to the management so as to enable the management to take appropriate action. Unless the aggrieved woman reports the harassment to the Management, the latter in no case shall be responsible or liable in this regard.

10. ANNUAL REPORT

The ICC shall in each financial year prepare and submit an Annual Report to the employer which mentions the number of cases filed, if any, and their disposal under the Act.

11. GENERAL

The provisions of sexual harassment of women at workplaces (Prevention, Prohibition and Redressal) Act, 2013 shall be applicable in addition to this Policy. This Policy will not prejudice any rights available under the Protection of Human Rights Act, 1993, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 or any other legislation and rules framed therein.
