



**POLICY ON PREVENTION OF SEXUAL HARASSMENT OF WOMEN AT
WORKPLACE IN ASSAM INDUSTRIAL DEVELOPMENT CORPORATION
LTD. (AIDC LTD.)**

1. **Objective :** To create a work environment where safety and dignity of women Employees is ensured and they are protected from Sexual Harassment as envisaged by Supreme Court of India Guidelines on Sexual Harassment, August 1997, “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013”
2. **Scope:** The Policy intends to ensure that no woman Employee is subjected to sexual harassment and it is applicable to all Employees of Assam Industrial Development Corporation Ltd. (AIDC Ltd.).

“Employee” as referred to in this Policy covers all employees of AIDC Ltd. whether permanent or temporary, probationary or part-time or working as a consultant or on a voluntary basis or engaged through a contractor or agent. Where Sexual Harassment occurs against any female Employee as a result of an act by a third party or outsider while on official duty, AIDC Ltd. will take all necessary and reasonable steps as per the applicable rules and regulations, to initiate action at the workplace of the third party or outsider. This Policy shall be applicable to any allegation of Sexual Harassment at AIDC Ltd. premises including any place visited by an Employee arising out of or during the course of employment and/or transportation provided by AIDC Ltd. (“**Workplace**”).

3. Definitions:

- a) “**Act**” means “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013” and any amendment thereto.
- b) “**Aggrieved Woman**” means any female Employee of AIDC Ltd. or any woman who alleges to have been subjected to any act of Sexual Harassment at the Workplace.
- c) “**Internal Complaints Committee**” means a committee by that name, constituted by AIDC Ltd. as per the provisions of the Act.
- d) “**Respondent**” means the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman.
- e) “**Sexual Harassment**” includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - i. Physical contact and advances; or
 - ii. A demand or request for sexual favours, such as seeking sexual favours or advances in exchange for work benefits or refusal to comply with a ‘request’ is met with retaliatory action such as dismissal, demotion, difficult work

- conditions; or
- iii. Sexually coloured remarks; or
- iv. Showing pornography; or
- v. Entry into a private place marked for woman, with the intent to commit mischief and harassment; or
- vi. Taking photographs of aggrieved woman without permission and converting it into pornographic material and/or circulating the same by means of electronic media; or
- vii. Any other unwelcomed physical, verbal or non-verbal conduct of sexual nature; including eve-teasing, gender-based insults or sexist remarks, unwelcome sexual overtone in any manner, like obnoxious telephone calls, touching or brushing against any part of the body, displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings, forcible physical touch or molestation

The following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment may amount to sexual harassment:-

- a. Implied or explicit promise of preferential treatment in her employment, or
- b. Implied or explicit threat of detrimental treatment in her employment; or
- c. Implied or explicit threat about her present or future employment status; or
- d. Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- e. Humiliating treatment likely to affect her health or safety.

Sexual harassment shall also include such unwelcome sexually determined behaviour by any person either individually or in association with other persons or by any person in authority whether directly or by implication which amounts to offence defined in the Indian Penal Code

If you are being Harassed

- a. Keep a record of incidents (dates, times, locations, possible witness, what happened, your response). It is not mandatory to have a record of events to file a Complaint, but a record can strengthen your case and helps you remember the details over time, in case the Complaint is not filed immediately.
- b. May try telling the harasser that his behaviour is unwelcome and ask him to stop
- c. File a Complaint as soon as possible and, report the abuse to the Internal Complaints Committee formed for this purpose

4. Constitution of Internal Complaints Committee

- a. A Committee known as the "**Internal Complaints Committee**" ("**ICC**") shall be constituted by AIDC Ltd. as per the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 comprising of a Chairman and 3 other members out of which 2 (two) members shall be from amongst the employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge; and

one member from amongst non-governmental organization or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. The Committee may nominate any other member to the Committee, if need arises. The details about the current members of the IC are enclosed in **Annexure A**.

- b. The members of the ICC shall hold office for such period, not exceeding three years, from the date of their nomination.
- c. All employees shall address any sexual harassment complaints only to the ICC and not to talk or disclose information on the case to anybody else except to persons permitted to make a complaint on behalf of the Complainant as set out in this policy.

d. Meetings of the ICC to be held :

- i. Every quarter
 - ii. Within 2 (days) days from receipt of Complaint
 - iii. Such other special meetings to address the Complaints pertaining to sexual harassment of the female employees
- e. It shall prepare an annual report in each calendar year and submit the same to the Employer which shall have the following details:
- i. Number of complaints of sexual harassment received in the year
 - ii. Number of complaints disposed off during the year
 - iii. Number of cases pending for more than ninety days
 - iv. Number of workshops or awareness programmes against sexual harassment carried out
 - v. Nature of actions taken by the Employer
- f. While conducting the inquiry, all the members of the ICC including the Chairperson shall be present

5. Filing Complaint with ICC

- a. The Aggrieved Woman may make a complaint directly to the Chairperson/ Presiding Officer of the Internal Complaints Committee in writing **OR** may file email the Complaint to the email id icc.aidcltd@gmail.com which shall be accessed only by the members of ICC within a period of within a period of 3 months from the date of incident or the date of the last incident in case of a series of incident.
- b. Where an Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by (a) her relative or friend, or (b) her co-worker, (c) an officer of the National or State Commission for Women, or (d) any person who has knowledge of the incident, with the written consent of the Aggrieved Women.

- c. Where an Aggrieved Women is unable to make a complaint on account of her mental incapacity, a complaint may be filed by (a) her relative or friend, or (b) a special educator, or (c) a qualified psychiatrist or psychologist, (d) the guardian, or (e) any person who has knowledge of the incident jointly with any of the persons mentioned in (a) to (e) of this paragraph.
- d. Where an Aggrieved Women, for any other reason, is unable to make a complaint, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the Aggrieved Women.
- e. The Internal Complaints Committee may, for the reasons to be recorded in writing, extend the time limit, if it is satisfied that there were unavoidable circumstances which prevented the Aggrieved Woman from filing a complaint within the said period. Such complaint shall contain all the material and relevant details concerning the alleged Sexual Harassment including the name of the contravener. The information disclosed by such complainant should be treated as confidential information by the members of the Internal Committee.
- f. If the Aggrieved Woman would like to initiate action under the Indian Penal Code, 1860 (“IPC”), she may inform the CDSL management of the same, and the management will provide necessary assistance to the Aggrieved Woman to file the complaint in relation to the offence under the IPC.

6. Settlement of Complaint

- a. Before initiating an inquiry on the Complaint, ICC may at the request of the Complainant take steps to settle the matter between her and the Respondent through conciliation, provided that monetary settlement shall not be made a basis of conciliation.
- b. If a settlement has been arrived at, the ICC shall:
 - i. Record the settlement and forward the same to the Employer to take action as specified in the recommendation; and
 - ii. Provide copies of the settlement as recorded to the Complainant and the Respondent and no further inquiry shall be conducted

7. Inquiry of Complaint by ICC

- a. In case no conciliation has been arrived at or the terms of conciliation are not complied with, then at the request of the Complainant (where the Respondent is an employee), the ICC shall proceed to make an inquiry into the Complaint in accordance with the provisions of the service rules applicable to the Respondent **OR** in accordance with the Rules formulated under the Act.
- b. During the course of inquiry:
 - i. The Internal Complaints Committee shall proceed to make an inquiry into the complaint in accordance with the principles of natural justice and further

during the course of inquiry provide an opportunity of being heard to the complainant and the Respondent and the relevant witnesses provided by the complainant and the Respondent.

- ii. A copy of the findings shall be made available to both the parties enabling them to make representation against the findings before ICC;
 - iii. Both the Complainant and the Respondent will be interviewed, and also such individuals who may be able to provide relevant information;
- c. The inquiry shall be completed within a period of **ninety (90) days**.
- d. The parties shall not be permitted to bring any legal practitioner to represent them in their case at any stage of the proceedings before the ICC.

8. Interim Relief

During the pendency of an inquiry, on a written request of the Complainant, ICC may recommend to the Employer to:

- a. Transfer the Complainant or the Respondent to any other workplace; or
- b. Grant leave to the Complainant upto a period of three months (this leave shall be in addition to the leave she would be otherwise entitled); or
- c. Restrain the Respondent from reporting on the work performance of the Complainant or writing her confidential report and assign the same to another officer

9. Termination of Inquiry

The ICC shall, after giving prior fifteen days' notice in writing to the concerned party, have the right to terminate the inquiry proceedings or pass an ex-parte decision on the Complaint, if the Complainant or Respondent fails, without sufficient cause, to present herself or himself for three consecutive meetings of the convened by the Chairperson

10. Completion of Inquiry by ICC

On completion of the inquiry proceedings:

- a. ICC shall provide a report of its findings to the Employer, within a period of ten days from the date of completion of the inquiry and such report shall be made available to the concerned parties. The Managing Director shall act upon the recommendation within 60 days of its receipt.
- b. Where ICC arrives at a conclusion that the allegation against the Respondent has not been proved, it shall recommend the Employer that no action is required to be taken in the matter;
- c. Where ICC arrives at a conclusion that the allegation against the Respondent has been proved, it shall recommend to the Employer :
 - i. To take action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the Respondent OR, in the

following manner including:

1. Written apology
 2. Warning
 3. Reprimand or censure
 4. Withholding of promotion
 5. Postponement or withholding or stoppage of increment, performance related pay or promotion or pay rise
 6. Demotion to a lower post or grade or to a lower stage in his incremental scale
 7. Suspension
 8. Termination of services
 9. Undergoing a counseling session
 10. Carrying out community service
- d. Where ICC arrives at a conclusion that during an inquiry, any witness has given false evidence or produced any forged or misleading document, it may recommend to the Employer of the witness, to take action in accordance with Clause 10 (c)(i) above

11. Appeal

- a. Any person aggrieved on account of recommendations made by ICC or due to non- implementation of such recommendations by the Employer, may prefer an appeal to the court or tribunal in accordance with the Rules framed under the Act.
- b. The appeal shall be made within a period of ninety days of the recommendations of ICC

12. Malicious Complaint

If ICC arrives at a conclusion that the allegation against the Respondent is malicious or the Complainant has made the Complaint knowing it to be false or has produced forged or misleading documents, it may recommend to the Employer, to take action against the Complainant in accordance with the provisions of the service rules as applicable or as in accordance with Clause 10 (c)(i) above. However, failure/ inability to substantiate /prove a claim of sexual harassment does not constitute proof of a false and / or malicious accusation. Malicious intent on the part of the Complainant shall be established after an inquiry, before any action is recommended

13. Confidentiality

1. It shall be the duty of all the persons including members of ICC involved to ensure that the Complaint, identity and addresses of the Complainant, Respondent, witnesses, any information relating to conciliation and inquiry proceedings,

recommendations of ICC and/or action taken by the Employer shall not be published, communicated or made known to public, press and media in any manner and shall be strictly confidential

2. The members of the ICC and the Employer shall use best endeavours to ensure to keep the investigation and disseminate information on a strict "need to know" basis. The ICC shall emphasize to all persons involved in the investigation, including the Complainant, the Respondent and witnesses, that the policy is to keep discussions strictly confidential and that disciplinary consequences may result from a breach of this confidence.
3. In any event, the ICC shall make best efforts to:
 - a. Limit the number of persons who have access to the aforesaid information
 - b. Avoid needless disclosure of information to witnesses.

14. AMENDMENTS TO POLICY

The Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act and any amendment made in the provision of Prevention of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and if any rules made thereunder, shall automatically supersede the relevant provisions of AIDC's POSH Policy and the same shall be complied upon. Any alterations or amendment or rescinding will be intimated to the employees of the Company by way of uploading on the website of the Company and also to be displayed on the notice board of the Company at various locations.