

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE
PREVENTION, PROHIBITION AND REDRESSAL POLICY
(“POLICY”)

APRIL 2015

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(1) INTRODUCTION

PDCOR Limited, Jaipur (hereinafter referred to as “Employer”) is committed to maintaining an environment where all women, enjoy a safe, friendly and supportive working environment, free of harassment and exploitation. Sexual harassment (as defined below) and abuse damages both individual and organizational health.

In view of the aforesaid, and in light of the provisions of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”), the objective of this Policy is to:

- (a) provide protection against sexual harassment of women at workplace ; and
- (b) prevention and redressal of Complaints (as defined below) of sexual harassment

The terms of this Policy should be read in conjunction with the Act and the Rules framed there under. In case of any inconsistency between this Policy and the Act/Rules, then the Act/Rules (as amended and modified from time to time) shall prevail except as stated in 2 (b) below. Every employee should be aware that the Employer is strongly opposed to sexual harassment and such behaviour is prohibited. Violation of this Policy will not be permitted and will result in disciplinary action, including termination of services.

(2) APPLICABILITY

- (a) This Policy as per the Act is applicable to (i) persons employed at the workplace by the Employer for any work on a 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, working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, probationer, trainee, contract worker, apprentice or called by any other such name and;(ii) any aggrieved woman at workplace who alleges to have been subjected to any sexual harassment (“**Complainant**”).
- (b) In addition to (a) above, this Policy shall also be applicable to (i) persons employed at the workplace outside India, by the Employer for any work on a 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, working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, probationer, trainee, apprentice or called by any other such name and; (ii) any aggrieved woman at workplace, outside India, who alleges to have been subjected to any act of sexual harassment (“**Complainant**”). Provided however, in case of any inconsistency between this Policy and the applicable laws prevalent in the relevant jurisdiction, if any, then the relevant applicable laws (as amended and modified from time to time) shall prevail.

(3) AGGRIEVED WOMAN

In relation to a workplace an aggrieved woman means a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent. Any women employed at a workplace for any work on regular, temporary, adhoc, 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 co-worker, a contract worker, probationer, trainee, apprentice, or called by any other such name.

(4) WORKPLACE :

Any place visited by the staff arising out of or during the course of employment, including transportation provided by the employer for undertaking such journey. A workplace includes private sector organisations, or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, vocational, educational, entertainment, industrial, health services or financial activities, including production, supply, sale, distribution or service. It also includes hospitals and nursing homes, sports institutes, stadiums, sports complex or competition or games venue, whether residential or not used for training, sports or other activities.

(5) WHAT IS SEXUAL HARASSMENT?

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;
- iv. or 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 or any applicable laws prevalent in the relevant jurisdiction.

(6) 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.

(7) CONSTITUTION OF INTERNAL COMPLAINTS COMMITTEE

- (a) A Committee known as the “Internal Complaints Committee” (“ICC”) for Infrastructure Leasing & Financial Services Limited constituted at Delhi, and has nominated members as intimated from time to time has been adopted as the ICC constituted by PDCOR Limited, Jaipur under the Act. At present members of ICC are:

- i). Ms. Shaivali Parekh Chairperson
- ii). Mr. Vibhav Kapoor Member
- iii). Mr. Milind Patel Member
- iv). Ms. Neelam Desai Member
- v). Ms. Shobha Sachdev Member

- (b) The term of the members of the ICC will not exceed three years from the date of their nomination.
- (c) An exclusive email id being ICCChairperson@ilfsindia.com is created with access only to the ICC.
- (d) All employees shall address any sexual harassment complaints only to the ICC with a copy to CEO, PDCOR Limited, Jaipur 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.
- (e) Meetings of the ICC to be held
 - a. every quarter
 - b. within 7 (seven) days from receipt of Complaint
 - c. such other special meetings to address the Complaints pertaining to sexual

harassment of the female employees

- (f) It shall prepare an annual report in each calendar year and submit the same to the Employer and the District Officer which shall have the following details:
- Number of complaints of sexual harassment received in the year
 - Number of complaints disposed off during the year
 - Number of cases pending for more than ninety days
 - Number of workshops or awareness programmes against sexual harassment carried out
 - Nature of actions taken by the Employer
- (g) In conducting the inquiry, a minimum of three members of the ICC including the Presiding Member shall be present.

(8) FILING COMPLAINT WITH ICC

- (a) The procedure for filing the Complaint is contained in **Annexure A** subject to such amendments/modifications as per applicable laws.
- (b) Indicative formats of the Complaint, reply of Respondent and statement of witnesses are annexed hereto as **Annexures B, C and D** respectively (which formats may be modified by the ICC members as may be necessary from time to time). The formats may be followed by the Complainant and Respondent as required.

(9) 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:
- a. record the settlement and forward the same to the Employer to take action as specified in the recommendation; and
 - b. provide copies of the settlement as recorded to the Complainant and the Respondent and no further inquiry shall be conducted.
- (c) The indicative format of the settlement is annexed as **Annexure E**, which may be modified by the ICC members as may be necessary from time to time.

(10) TERMINATION OF INQUIRY /EX-PARTE ORDER

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 Presiding Officer.

(11) 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 and/or as per applicable laws
- (b) During the course of inquiry:
- i. Where both the Complainant and the Respondent are employees, both the parties shall be given an opportunity of being heard;
 - 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;
 - iv. ICC shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 namely summoning and enforcing attendance of any person and examining him on oath and requiring the discovery and production of documents.
 - v. ICC shall make inquiry into the complaint in accordance with the principles of natural justice.
- (c) The inquiry shall be completed within a period of ninety 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.

(12) ACTION PENDING INQUIRY BY ICC

During the pendency of an inquiry, on a written request made by 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

On the receipt of recommendation from ICC, the Employer shall promptly implement the recommendations made and send the report of such implementation to ICC.

(13) 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. An indicative format of the said Report is annexed as **Annexure F** which may be modified by the ICC members as may be necessary from time to time;
- (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:
 - Written apology
 - Warning
 - Reprimand or censure
 - Withholding of promotion
 - Postponement or withholding or stoppage of increment, performance related pay or promotion or pay rise
 - Demotion to a lower post or grade or to a lower stage in his incremental scale
 - Suspension

- Termination of services
 - Undergoing a counseling session
 - Carrying out community service
- ii. to deduct, notwithstanding anything in the service rules applicable to the Respondent, from the salary or the wages of the Respondent such sum as it may consider appropriate to be paid to the Complainant or to her legal heirs. For the purpose of determining the sums to be paid to the Complainant, ICC shall have regard to
- the mental trauma, pain, suffering and emotional distress caused to the Complainant
 - the loss in the career opportunity due to the incident of sexual harassment
 - medical expenses incurred by the Complainant for physical or psychiatric treatment
 - the income and financial status of the Respondent
 - feasibility of such payment in lump sum or in installments
- iii. In case Employer is unable to make such deduction from the salary of the Respondent due to his being absent from duty or cessation of employment, it may direct the Respondent to pay such sums to the Complainant. Further, in case Respondent fails to pay such sums, ICC may forward the order for recovery of the sum as arrears of land revenue to the concerned District Officer.
- iv. to take disciplinary action for sexual harassment as a misconduct in accordance with the provisions of the service rules applicable to the Respondent.
- (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 11 (c)(i) above.

(14) 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 where applicable. Provided However, if the person aggrieved, does not fall within the ambit of the Act and Rules framed thereunder, then in such case a person may prefer an appeal to the [Chairman of the Employer/IL&FS Group HR Head/such person as may be nominated by ICC]
- (b) The appeal shall be made within a period of ninety days of the recommendations of ICC.

(15) ACTION BY EMPLOYER ON RECOMMENDATION MADE BY ICC ON CONCLUSION OF INQUIRY

The Employer shall act on the recommendation made by ICC within sixty days of its receipt.

(16) PROTECTION AGAINST RETALIATION

Regardless of the outcome of the Complaint made in good faith, the Complainant and any person providing information or any witness, will be protected from any form of retaliation. While dealing with Complaints of sexual harassment, ICC shall ensure that the Complainant or the witness(es) are not victimized or discriminated against by the Respondent. Any unwarranted pressures, retaliatory or any other type of unethical behaviour from the Respondent against the Complainant while the inquiry is in progress should be reported by

the Complainant to ICC as soon as possible. Disciplinary action will be taken by ICC against any such complaints which are found genuine.

(17) 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 11 (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 in accordance with the procedure prescribed under the service rules, before any action is recommended.

(18) 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.
4. However, information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the Complainant and witnesses.
5. If any person who is entrusted with the duty to handle or deal with the Complaint, inquiry or any recommendations or actions to be taken under the provisions of the Act, contravenes the aforesaid, then he/she shall be liable for penalty in accordance with the service rules or the Employer shall recover a sum of five thousand rupees as penalty from such person.

(19) INVITEES

If the ICC considers it is necessary for achieving the objectives of the Act, the ICC may call upon persons:

- i. to appear as witnesses during the inquiry proceedings to provide factual information/details regarding the Complainant, the Respondent or any other similar matter; or
- ii. to provide general guidance and training to the members of the ICC; or
- iii. to assist and advise the ICC members in conducting the investigations to the complaint, without being a part of the inquiry proceedings.

However, it is pertinent to note that the inputs provided by these invitees shall not:

- i. be binding on the members of ICC;
- ii. directly or indirectly or in any other manner, dilute and/or transfer the powers/obligations and rights of the members of the ICC as provided under the Act and/or the Rules framed thereunder.

(20) DUTIES OF THE EMPLOYER

Subject to the provisions of the Act and Rules/ applicable laws prevalent in the relevant jurisdiction, the duties of the Employer is as contained in **Annexure G**.

(21) MODIFICATIONS TO THE POLICY:

The provisions of this Policy can be altered, added to, varied or substituted from time to time at the discretion of a competent authority as maybe designated by the Employer.

Annexure A:
Procedure for filing complaint

1. The Complaint should be made by the Complainant in writing. In case where the Complaint cannot be made in writing, the Presiding Officer or any member of the ICC shall render all reasonable assistance to the Complainant to make the Complaint in writing.
2. Where the Complainant is unable to make a complaint on account of her physical incapacity, Complaint may be filed by:
 - i. Her relative or friend;
 - ii. Her co-worker;
 - iii. An officer of the National Commission for Women or State Women's Commission;
 - iv. Any person who has knowledge of the incident with the written consent of the Complainant
3. Where the Complainant is unable to make a complaint on account of her mental incapacity, Complaint may be filed by:
 - i. Her relative or friend;
 - ii. A special educator
 - iii. A qualified psychiatrist or psychologist
 - iv. The guardian or authority under whose care she is receiving treatment or care; or
 - v. Any person who has knowledge of the incident jointly with her relative or friend or a special educator or a qualified psychiatrist or psychologist or a guardian or authority under whose care she is receiving treatment or care;
4. Where the Complainant 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 Complainant's written consent.
5. Where the Complainant is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the legal heir.
6. The Complaint of sexual harassment at workplace to the ICC should be filed within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.
7. However, the ICC may for reasons recorded in writing extend the said period for a further period not exceeding three months, if it is satisfied that circumstances prevented the Complainant from filing the Complaint within the said period.
8. The Complainant shall file six copies of the Complaint and should include the name of the Respondent, details of the incidents (dates, times, locations, names and addresses of possible witness, what happened, supporting documents, response of the Complainant). In addition to the aforesaid, where possible, the Complainant should also forward a copy of the Complaint to ICCChairperson@ilfsindia.com
9. A Non-Disclosure Undertaking shall be signed by all individuals concerned with the Complaint; including the Complainant, the Respondent, witnesses (if any) prior to commencing an inquiry. The indicative format of the Non- Disclosure Undertaking is annexed as **Annexure H**, which may be modified by the ICC members as may be necessary from time to time.
10. One of the copies of the Complaint shall be sent to the Respondent within seven working days of the receipt of the Complaint.
11. 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 Complaint.

**Annexure B:
Format of the Complaint**

Sr. No.	Query	Particulars
1)	Name of Complainant	
2)	Address and contact number of the Complainant	
3)	Name, address and contact of next of kin of the Complainant	
4)	Designation of the Complainant	
5)	Immediate supervisor of the Complainant	
6)	Employer of the Complainant	
7)	Name of Respondent	
8)	Address and contact number of the Respondent, if available	
9)	Name, address and contact of next of kin of the Respondent, if known	
10)	Designation of the Respondent, if known	
11)	Immediate supervisor of the Respondent, if known	
12)	Employer of the Respondent, if known	
13)	Details of the incident	
14)	Date and time of incident (If more than one, kindly mention all the dates and times)	
15)	Place of incident (If more than one, kindly mention all the places)	
16)	Details of the incident	
17)	Witnesses to the incident, if any (If more than one, kindly mention all the witnesses)	
18)	Any oral or written evidence of the incident (attach copies of the documents, if any)	
19)	Names and addresses of person(s) who the Complainant confided in about the incident, if applicable	
20)	Any further relevant details	
I state that the information as stated above is true and accurate		
Date:		
		Signature of Complainant

Annexure C:
Format of the Reply of the Respondent

Sr. No.	Query	Particulars
1)	Name of Respondent	
2)	Address and contact number	
3)	Name, address and contact of next of kin	
4)	Designation	
5)	Immediate supervisor	
6)	Employer	
7)	Details of the incident	
8)	Defences of the Respondent	
9)	Any oral or written evidence supporting the Respondent's defence (attach copies of the documents, if any)	
10)	Witnesses to support the Respondent's defence, if any (If more than one, kindly mention all the witnesses)	
11)	Any further details	
I state that the information as stated above is true and accurate		
Date:		
Signature of Respondent		

**Annexure D:
Format of Witness statement**

Sr. No.	Query	Particulars
I.	Name of witness	
II.	Address and contact number	
III.	Designation	
IV.	Immediate supervisor	
V.	Employer	
VI.	Witness for Complainant or Respondent	
VII.	Details of the incident	
VIII.	Date and time of incident(s)	
IX.	Place of incident(s)	
X.	Circumstances	
XI.	Number of occurrences witnessed	
XII.	Reaction to the incident by Complainant/Respondent	
XIII.	Any oral or written evidence of the incident	
XIV.	Any further details	
<p>I state that the information as stated above is true and accurate. I hereby confirm that I shall at all times maintain the confidentiality of all information that I am privy to and that may be shared with during the course of the inquiry proceedings. I will not, either directly or indirectly, make any disclosure of any confidential information to any third party.</p>		
Date:		
<p>Signature of Witness</p>		

Annexure E:

Format for Settlement through the conciliation mechanism

[On the letterhead of the ICC]

[Date]

[] .. Complainant

[] .. Respondent

ICC Members present:

[]

[]

[]

The Complainant had filed a Complaint dated [...] with the ICC in relation to certain allegations against the Respondent. The Complaint had been duly taken on record by the ICC and had sent a copy of the Complaint to the Respondent within [...] days.

The ICC has not yet initiated an inquiry into this matter.

The Complainant had through her letter dated [...] requested the ICC to settle the matter between the Complainant and the Respondent.

The parties have thus reached a settlement and the terms of which are as under:

[]

The Respondent shall comply with the aforesaid terms and conditions within [] days of the date hereof.

**Annexure F:
Format of the Report of the ICC**

Sr. No.	Broad Heads	Particulars
I.	Name and other details of the Complainant	
II.	Name and other details of the Respondent	
III.	Date of complaint	
IV.	Whether the inquiry has been concluded within 90 days of receipt of Complaint	
V.	Documentation/ oral evidence relied upon by the Complainant	
VI.	Documentation/ oral evidence relied upon by the Respondent	
VII.	Whether the Complainant requested conciliation and settlement of the matter and if yes, the reason why the complaint was not settled	
VIII.	Any recommendation for interim action pending completion of inquiry	
IX.	Reasons for the recommendation	
X.	Detailed facts of the incident	
XI.	Whether the incident can be termed as sexual harassment under the Act	
XII.	Detailed reasons for the decision in XI above	
XIII.	Action recommended against the Respondent	
XIV.	Reasons for recommending the said action	
XV.	Whether the Complainant has filed a criminal action against the Respondent and status of the same	
Date:		
Signature of the ICC Members		

**Annexure G:
Duties of Employer**

The Employer shall:

- (a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments and the order constituting the ICC;
- (c) formulate and widely disseminate an internal policy for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote a gender sensitive safe space and remove underlying factors that contribute towards a hostile work environment against women;
- (d) carry out employees awareness programmes and create forums for dialogues which may involve any other body as may be considered necessary;
- (e) use modules developed by the State Government to organise and conduct workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act;
- (f) carry out orientation programmes and seminars for the members of ICC;
- (g) conduct capacity building and skill building programmes for the Members of the ICC;
- (h) Declare the names and contact details of all the Members of the ICC;
- (i) provide necessary facilities to ICC for dealing with the Complaint and conducting an inquiry;
- (j) assist in securing the attendance of Respondent and witnesses before the ICC;
- (k) make available such information to the ICC from time to time as it may require having regard to the Complaint;
- (l) provide assistance to the Complainant if she 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;
- (m) cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the Complainant so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- (n) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- (o) monitor the timely submission of reports by the ICC;
- (p) take all steps necessary and reasonable to assist the Complainant in terms of support and preventive action, where sexual harassment occurs at a workplace as a result of an act or omission by any third party or outsider;
- (q) Include in its annual report number of cases filed, if any, and their disposal under this Policy;
- (r) Shall remove any member/s of ICC, if the member:
 - i. contravenes confidentiality provisions stated in the Policy; or
 - ii. has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or
 - iii. has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
 - iv. has so abused his position as to render his continuance in office prejudicial to the public interest.
- (s) On occurrence of vacancy / removal of any member of ICC, fill in such vacancy by fresh nomination.

**Annexure H:
NON DISCLOSURE UNDERTAKING**

Date: [_____]

I, [_____] [s/o][d/o] Mr. [_____] , having his/her permanent residing address at [_____] (hereinafter referred to as **“Recipient”**), working with [_____] as [_____] hereby execute this undertaking in relation to the complaint filed/to be filed or Inquiry proceedings initiated/to be initiated before the Internal Complaints Committee (“ICC”) constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (“Act”), 2013/Policy by [_____] (**“Complainant”**) against [_____] (**“Respondent”**).

I hereby agree and irrevocably undertake that I shall keep the Complaint, identity and addresses of the Complainant, Respondent, witnesses, any information relating to conciliation and inquiry proceedings, recommendations of ICC and action taken by the Employer under the Act or any other information related thereto (**“Confidential Information”**) strictly confidential and shall not either wilfully or through any other act, omission or negligence, share, distribute, disclose or howsoever cause or induce any other person to share, distribute or disclose either verbally, electronically or in writing any such Confidential Information to any person, other than as required under applicable laws.

I further undertake not to publish, communicate or make known to public, press or media the Confidential Information in any manner whatsoever.

I am aware and acknowledge that in case of breach of this Undertaking, I shall be liable for penal consequences and other consequences in accordance with the services rules and/ or as per applicable laws

Signed by

[_____]