



Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Policy

FOR AI ENGINEERING SERVICES LIMITED

Prepared by:

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AI ENGINEERING SERVICES LIMITED
(A WHOLLY OWNED SUBSIDIARY OF AI ASSET
HOLDING LIMITED, GOVT OF INDIA)

SAFDURJUNG AIRPORT, NEW DELHI-110001



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at Workplace (Prevention, Prohibition & Redressal) Policy**

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1. Introduction

Since its inception AIESL has consistently maintained the utmost respect for people and worked diligently to be socially respected and highly trusted Company. AIESL gives prime importance to the compliance of its statutory obligations. The Company recognizes the importance of maintaining positive relations with all of its stakeholders including its employees. AIESL believes in the culture of non-discrimination and is committed to creating a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment. The Company treat its employees with respect to create a comfortable and mutually respectable working environment.

Sexual harassment at a workplace creates an insecure and hostile work environment which discourages victim's participation at work thereby adversely affecting their social and economic empowerment and the goal of the inclusive growth. Sexual harassment at the work place or outside the work place involving employees is a grave offence & is treated with severity.

2. Name & Purpose of The Policy

This policy shall be called as "The Sexual Harassment of women at Workplace (Prevention, Prohibition & Redressal) Policy". The Company has adopted this policy in line with the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules made thereunder and as per AIESL's Internal Compliance norms. The policy provides the mechanism created by the Company in addressing any form of sexual harassment complaints and is without prejudice to any provision/s of any other law applicable for the time being in force or enacted hereinafter. The Company shall have the right to initiate any action other than that authorized by or under the provisions contained in this policy as per the applicable law. The Company shall review and amend this policy in line with any statutory changes or as per its discretion from time to time.

3. Applicability

This policy is applicable to all the women employees working with AIESL, including its Head Quarters & all regions, and any other units or premises operated by the Company. The definition of employee is provided in the clause 5 "Definitions" of this policy.



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4. Scope

The complaints redressal mechanism incorporated under this policy is as per the “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and rules made thereunder and is primarily applicable for the aggrieved woman.

5. Definitions

In this policy unless the context otherwise requires-

- a. **Act** means “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and Rules made thereunder.
- b. **Aggrieved woman** means 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.
- c. **Employee** means a person employed at a workplace for any work on regular, temporary, adhoc or daily basis either directly by the Company or through a contractor and includes for the purposes of this policy any co-employee, a contract worker, probationer, trainee, apprentice (or called by any other name under any statutory or internal scheme of the Company), whether employed on remuneration or on voluntary basis such as interns working on specific projects.

A written employment agreement is not necessary for the woman to be entitled for protection under the Act.

- d. **Employer** means the Chief Executive officer or Managing Director or President of the Company and where the complaint is against the CEO or Managing Director or President, the Board of Directors of the Company.
- e. **Human Resources Department** means the Human Resources Department of the Company entrusted with the responsibility of the implementation of this policy.
- f. **Internal Complaints Committee** (Hereinafter referred to as “ICC” or “Complaints Committee” as appropriately) means a Central or Regional Internal Complaints Committee constituted under clause 6 of this policy.
- g. **Member** means the member of the Internal Complaints Committee.
- h. **Presiding Officer** means the presiding officer of the Internal Complaints Committee
- i. **Respondent** means a person against whom the aggrieved woman has made the sexual harassment complaint as per clause 8 of this policy.
- j. **Sexual Harassment** as defined in clause 6 of this policy.
- k. **Workplace** means all offices and branches of the Company owned or leased by the Company, all other places visited by the employee arising out of or during the course of



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employment such as conferences, customer meetings, grounds & recreational areas, training center, off-sites, Company organized functions etc. including transportation provided by the Company for undertaking such journey.

6. 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; or
- iii. Making sexually coloured remarks; or
- iv. Showing pornography; or
- v. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Explanation 1- Provided herewith are some illustrative examples of different forms of sexual harassment. The list is indicative and may include any other form/s of sexual harassment.

Non- Verbal	<ul style="list-style-type: none"> • Sexual gestures. • Staring/leering. • Invading personal space. • Sexually oriented Pin-ups, offensive publications, cartoons or pamphlets. • Offensive letters/ memos. • Unsolicited/unwanted gifts which are sexually suggestive. • Showing pornography.
Verbal	<ul style="list-style-type: none"> • Language of a sexually suggestive or explicit nature. • Unwanted propositions. • Jokes of a sexual or explicit nature. • Use of "affectionate" names such as dear, honey, sweetie etc in the office environment. • Eve- teasing, Unsavory Remarks. • Gender based insults or sexist remarks.
Physical	<ul style="list-style-type: none"> • Deliberate body contact, touching or brushing against any part of body and the like. • Indecent exposure. • Groping/fondling. • Any conduct of sexual nature that abuses, humiliates, degrades or violates the dignity.



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Explanation 2- Following circumstances, if it occurs or is present in relation to or connected with any act or behavior of sexual harassment will also amount to sexual harassment-

- i. Implied or explicit promise of preferential treatment in employment of the aggrieved woman.
- ii. Implied or explicit threat of detrimental treatment in the employment of the aggrieved woman.
- iii. Implied or explicit threat about the present or future status of the employment of the aggrieved woman.
- iv. Creating an intimidating, offensive or hostile working environment for the aggrieved woman.
- v. Humiliating treatment likely to affect the health, safety, dignity or physical integrity of the aggrieved woman.

NOTE: Actions which clearly indicate “something for something” –quid pro quo – I give you something so that you give me something – this type of harassment is labeled as abuse of power.

7. Organizational Commitment to Prevent Sexual Harassment

The Company will:

- a. Create appropriate rules and procedure to provide a safe working environment at the workplace.
- b. Organize workshops and awareness programs at regular intervals for sensitizing Employees and provide necessary training/ orientation program for the members of the Internal Complaints Committee.
- c. Provide necessary facilities to the Internal Complaints Committee for dealing with the complaint and conducting an enquiry.
- d. Assist in securing the attendance of the Respondent and witness before the Internal Complaints Committee.
- e. Make available the information to the Internal Complaints Committee having regard to the complaint made.
- f. Company will ensure that the victim or witness are not victimized or discriminated against while dealing with the complaints of Sexual Harassment.
- g. Provide assistance to the woman if she chooses to file a complaint in relation to the offence under the Indian Penal Code (“IPC”) or any other law for the time being in force.



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- h. Cause to initiate action under the IPC or any other law against the perpetrator or if the Aggrieved Woman so desires, where the perpetrator is not an Employee, in the work place where the incident of Sexual Harassment took place.
- i. Treat Sexual Harassment as misconduct under the service rules and initiate action for such misconduct.
- j. Maintain confidentiality about the Aggrieved Woman, witness, enquiry proceedings, etc.
- k. Preparation and timely submission of annual reports by the Internal Complaints Committee.

8. Constitution of Committee:

Internal Complaints Committee (“ICC”) is herewith constituted to consider and redress the complaints of Sexual Harassment shall function under the Chairperson/Presiding Officer who shall act on behalf of the Employer. The committee shall consist of minimum (2 Females & 2 Males) and their names shall be communicated through separate communication.

The ICC shall consist of the following members:

- a. A Presiding officer who shall be a senior level woman employee;
- b. Not less than two members from among Employees, preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- c. One member from among Non-Governmental Organizations or associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment;
- d. At least one half of the total members nominated shall be woman;
- e. The Presiding Officer and every member shall be on the ICC for a period not exceeding 3 years from the date of their nomination, as specified by the Company;
- f. The member appointed from the NGOs or associations shall be paid fees or allowance for participating in the proceedings of the ICC as prescribed from time to time;
- g. The constitution and appointment of members shall be in accordance with this policy and subject to the stipulation as provided under the Act. The details of the location specific ICC constituted for the present in this regard is at **Annexure-I**.



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A member of ICC can be removed if he/she:

- a. contravenes the provisions relating to prohibition of publication/making known contents of complaint/proceedings; or
- b. has been convicted for an offence or an inquiry into an offence is pending against him/her; or
- c. he/she has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or
- d. has so abused his position as to render his continuance in office prejudicial to the public interest.
- e. If the member is related to the aggrieved woman whose case is being decided upon, then, the member should be changed.

In case of such termination or any casual vacancy, the vacancy to be filled up as per the procedure provided.

9. Responsibilities of the Internal Complaints Committee

In the matters of sexual harassment issues and while conducting the enquiry in the complaints of sexual harassment, the Internal Committee shall-

- a) Provide fair and impartial mechanism of complaint redressal through the inquiry founded on the principles of natural justice.
- b) Provide appropriate mechanism of complaint redressal and fair conciliation.
- c) Ensure that complainant or witnesses are not victimized or discriminated against while dealing with the complaints of sexual harassment.
- d) Provide the recommendation to the employer for requisite interim relief as per clause 13 of this policy.
- e) Provide appropriate advice to the employer with respect to initiation of action under Indian Penal Code or any other law for the time being in force, against the respondent.

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10. Sexual Harassment Complaint

Any aggrieved woman may make a complaint of sexual harassment in writing to the Internal Complain Committee Central or Regional, within a period of three months of the incident and in case of series of incidents, within a period of three months from the date of the last incident. The complainant shall submit to the ICCa copy of the complaint along with any supporting documents and the names and address of the witnesses if any.

Following persons can file the complaint on behalf of the aggrieved women in case the aggrieved woman is unable to file the complaint due to any physical or medical reasons.

- a) Aggrieved woman's relative.
- b) Friend.
- c) Colleague.
- d) Any other person who has the knowledge of the incident of sexual harassment.

Depending upon the circumstances, the committee may ask for the written consent of the aggrieved woman from the person who is making complaint on aggrieved woman's behalf.

The optimal procedure is to read out the contents to the aggrieved woman and obtain her signature on the complaint.

Where any complaint of sexual harassment cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the person for making the complaint in writing.

11. Conciliation

Basis the written request made by the aggrieved woman for the settlement of the complaint, the Internal Complain Committee may initiate steps to settle the matter between aggrieved woman and the respondent through conciliation before initiating an inquiry as enumerated in this policy. The aggrieved woman can however, approach to Internal Committee for the initiation of the inquiry if the respondent fails to abide by any of the terms of the settlement arrived at in conciliation proceedings between both the parties.

The ICC while settling the case under conciliation process will ensure following-

- a. No monetary settlement will be awarded under conciliation process.
- b. Both parties shall submit terms of settlement to the Internal Complain Committee.
- c. The ICC shall record the settlement and the copies of the settlement arrived at through conciliation process will be provided to both the parties.
- d. No further inquiry will be conducted thereafter.
- e. ICC will provide one copy of the settlement to the employer.



12. Procedure of Inquiry

Following procedure can be adopted by Internal Committee in addressing the complaints of sexual harassment. In case of any contravention with respect to the provisions incorporated in the Act, the process suggested in the Act shall prevail. The ICC shall exercise its discretion to conduct the inquiry depending upon any amendment in the Act or any other judicial pronouncements.

- a. The ICC shall send one copy of the complaint and documents if any to the respondent within a period of seven working days of such receipt.
- b. The respondent shall file his reply to the complaint, within a period of ten working days from the receipt of the copy of the complaint. While filing his reply the respondent shall also forward the list of documents, names and addresses of witnesses if any.
- c. The ICC shall thereafter intimate to both the parties the time, venue and date of the inquiry and will conduct the inquiry as per the principles of the natural justice. In conducting the inquiry, a minimum of three members of the ICC including presiding officer shall be present.
- d. The ICC shall provide reasonable opportunity to the complainant and the respondent for presenting and defending the case including summoning any person to appear as a witness if it believes that it shall be in the interest of justice.
- e. As per Section 11, Sub-Section 3 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the ICC shall have the powers of Civil Court as mentioned in the Code of Civil Procedure, 1908 in respect of summoning and enforcing the attendance of any person and examining him on oath, requiring the discovery and production of documents including any official paper or documents pertaining to complainant & respondent and any other appropriate matter.
- f. 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.
- g. The complainant and the respondent shall be offered an opportunity to cross examine the witnesses produced by the opposite party. However, the ICC may curtail the scope and extent of the right of cross examination in appropriate cases in accordance with demands of justice. The ICC may, depending upon the circumstances allow cross-examination of the aggrieved person and or witnesses by submission of questionnaire by respondent.
- h. The ICC shall have the right to disallow any questions or behaviour that it has reason to believe to be irrelevant, mischievous, or gender-insensitive that may intimidate the complainant.
- i. The complainant and the respondent shall be chiefly responsible for presenting their own witnesses before the ICC or may seek assistance of the ICC in enforcing the presence of any witness.

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- j. The parties shall sign the proceedings of each day in the form of minutes/summary of proceedings prepared by the ICC during the proceedings. The chief examination of the parties and their witnesses shall be recorded in summary form by ICC or in affidavit and the cross examination shall be recorded in question and answer form. These proceedings shall be signed by all the concerned party or witness/es.
- k. If the complainant or respondent fails, without sufficient reasons to present herself or himself for three consecutive hearings, the ICC shall have the right to terminate the inquiry proceedings and decide the complaint ex-parte appropriately. Provided that such termination or an ex-parte order will not be passed without giving a notice in writing to the party concerned, fifteen days in advance.
- l. Documents produced by either party in the inquiry as evidence shall be supplied to other party in the form of true copies of such documents.
- m. The ICC shall submit a detailed report of its findings alongwith its recommendation to the employer within 10 days of concluding the inquiry. The ICC will also provide the copy of its report to the complainant and respondent to enable them to make any representation before complaints committee against the findings.
- n. If the ICC finds the respondent guilty of sexual harassment, it shall recommend to the employer the nature of disciplinary action to be taken on the complaint as referred in clause 14 of the policy. If the complaints committee finds no merit in the complaint, it shall accordingly submit its report to the employer giving reasons for its conclusions.

13. Procedural Timelines

Other than the time lines mentioned in clause 11 of the policy, following additional timelines will be adhered by all concerned including the ICC in conducting the inquiry under this policy.

Activity	Timelines
Completion of inquiry by ICC	Within 90 days
Submission of report of findings and recommendations by ICC	Within 10 working days of completion of inquiry
Action to be taken by employer on the recommendations of ICC	Within 60 days from the receipt of report from ICC



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14. Interim Relief

During the pendency of the inquiry and on a written request made by the aggrieved woman, the Internal Committee may recommend to the employer to –

- a. Transfer the aggrieved woman or respondent.
- b. Grant leave to the aggrieved person over and above the aggrieved person's internal leave entitlement. Any additional leave granted under this provision will be up to a period of three months.
- c. Issue a restraint order to warn the respondent about any attempt to directly or indirectly contact, influence, intimidate or exert pressure on the complainant or witnesses during the course of the inquiry proceedings.
- d. Restrain the respondent from reporting on the work performance or writing confidential report of the aggrieved woman and assign the same to another manager as appropriate.
- e. Any other relief as deemed appropriate by the ICC.

15. Disciplinary action against proved cases of Sexual Harassment

Internal Complaints Committee shall recommend to the employer to initiate action against the respondent in the proved cases of sexual harassment in the following manner. Additionally, the Internal Complaints Committee can also recommend to the employer compensation as per clause 16 of the policy to be paid to the aggrieved woman. The employer shall act upon the recommendation of Internal Complaints Committee issued under clause 13 or 14 within sixty days of its receipt by him.

- a. Written apology.
- b. Warning.
- c. Reprimand or censure.
- d. Withholding of promotion.
- e. Withholding of pay rise or increments.
- f. Termination from service.
- g. Counselling.

16. Determination of Compensation

Notwithstanding anything in the service rules applicable to the respondent, the IC can also recommend to the employer to-

- a. Deduct, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to aggrieved woman's legal heirs, as it may determine appropriately.

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- b. Wherever the employer is unable to make such deduction from the salary of the respondent due to respondent being absent from duty or cessation of employment, the complaints committee may direct to the respondent to pay such sum to the aggrieved woman.
- c. In case the respondent fails to pay the sum referred to in clause (b) as mentioned above, the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer of the District as per the authority granted to it under the Act.

Explanation- For the purpose of determining the sums to be paid to the aggrieved woman under provisions of this clause the internal committee shall have the 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.
- e. Feasibility of such payment in lump sum or in instalments.

17. False or malicious complaint, false evidence and action thereof

Where the Internal Complain Committee arrives at a conclusion 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 the aggrieved woman or any other person making the complaint has produced any forged or misleading document, it may recommend to the employer to initiate action against the woman or the person who has made the complaint, in accordance with the clause 15 of this policy/in accordance with the provisions of the service rules applicable to her/him.

Provided that a mere inability to substantiate a complaint or provide adequate proof will not attract action against the complainant under this provision and the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed under clause 11 of the policy, before any action is recommended.

Where the Internal Complain Committee arrives at a conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading document, it may recommend to the employer of the witness to initiate action in accordance with the clause 15 of this policy/in accordance with the provisions of the service rules applicable to her/him.

18. Confidentiality

All the parties concerned who has the knowledge of the incident in whatever capacity such as Internal Committee members, witnesses, complainant, respondent etc. shall maintain the confidentiality with regards to the contents of the complaint, identity & address of the



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aggrieved woman, respondent, witnesses, information relating to conciliation and inquiry proceedings, recommendations of the committee and action taken by the employer. The same shall not be published, communicated or made known to the public, press and media in any manner.

Any person whoever contravenes the provision of this clause will be punished with fine as determined appropriate by the employer and as per the provisions of the Act.

19. Sexual harassment amounting to Criminal Offence

Internal Committee will take steps to inform to the complainant wherever complainant is a woman about her right to initiate action in accordance with law with the appropriate government authority such as police department and to give advice and guidance regarding the same where the conduct of sexual harassment amounts to a specific offence under the Indian Penal Code or under any other law. The Internal Complain Committee will inform to the complainant of her rights and the fact that any such action or proceedings initiated shall be in addition to proceedings initiated and /or any action taken under this policy or the Act.

20. Appeal

If an aggrieved woman wants to appeal against the decision of the committee, she can appeal as per provisions of this act within 90 days of the recommendations.

21. Annual Reporting:

1. ICC to prepare & submit to Employer and the District Officer (District Officer shall be the District Magistrate or the Collector or Deputy Collector) an annual report for each calendar year:
2. Employer to include the following in its annual report:
 - 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 program against sexual harassment carried out
 - v. Nature of action taken by the employer/District Officer.

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ANNEXURE I

Members of the Internal Complaints Committee (Headquarters, at NEW DELHI)

S No.	ICC	Name and Designation	Mobile No.
1	Chair Person (Presiding Officer)	Mrs Rakhi Rohatgi	rakhi.rohatgi@aiesl.in 9810484109
2*	Committee Member (External)	Mrs Shobhna Shah Mittal	shobhnashahmittal@gmail.com 9818202610
3	Committee Member	Mrs.Ajita Sharma	Ajita.sharma@aiesl.in 9818023067
4	Committee Member	Mr.Nitin Asthana	Nitin.asthana@aiesl.in 9811191010
5	Committee Member	Ms.Sheetal Indora	Sheetal.indora@aiesl.in 9899378092

*The inclusion of External person is mandated as per the provisions of the law having knowledge of the issues relating to the sexual harassment or cause of women or is associated with any Non-Government Organization committed for the cause of women.

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ANNEXURE II

Members of the Internal Complaints Committee (Region, -----)

S No.	ICC	Name and Designation	Mobile No.
1	Chair Person (Presiding Officer)		
2	Committee Member		
3	Committee Member		
4	Committee Member		
5	Committee Member		