



Sabarmati Riverfront Development Corporation Limited

(An SPV of Ahmedabad Municipal Corporation)

Policy on Prevention of Sexual Harassment at work place in

Sabarmati Riverfront Development Corporation Limited (SRFDCL)



Sabarmati Riverfront Development Corporation Ltd.

2nd Floor, "Riverfront House", B/h. H.K. Arts College,
Between Gandhi & Nehru Bridge, Riverfront Road - West,
Ahmedabad - 380009. Gujarat.

Tel: +91 (079) 26580430 • Email: office@srfdcl.com



 /SRFDCL  /SRFDCL

**POLICY ON PREVENTION OF SEXUAL HARRASSMENT AT WORKPLACE
IN SABARMATI RIVERFRONT DEVELOPMENT CORPORATION LIMITED (SRFDCL)**

I. PREAMBLE:

The Ahmedabad Municipal Corporation (AMC) launched a Special Purpose Vehicle (SPV) - the Sabarmati Riverfront Development Corporation Limited (SRFDCL) under Section 149(3) of the Indian Companies Act, 1956. The SRFDCL was entrusted with the responsibility of developing the Riverfront Project having a total land area of 204.91 hectare.

The Project approach is to bring about an overall environmental improvement, social upliftment and sustainable development along the Riverfront. Today, the SRFD Project has become a model Riverfront Development in the Country and has inspired other Cities in the Country to create such Riverfronts.

SRFDCL also envisions safe, secure and positive environment for the employees, Agents, Staff, Consultants etc. of SRFDCL. SRFDCL is committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equal opportunities for all employees.

The Policy on Prevention of Sexual Harassment in Sabarmati Riverfront Development Corporation Limited shall be read in consonance with the applicable acts/rules/guidelines/laws etc. along with the amendments from time to time.

II. OBJECTIVE OF THE POLICY:

The occurrence of Sexual Harassment at the workplace, any reference to sexism, gender stereotyping or gender based discrimination and need for healthy, safe environment for all workers including women has been taken note of and the Hon'ble Supreme Court has laid down guidelines for its prevention and deterrence in 1997. Whereas, the sexual harassment results in violation of the fundamental rights of a woman to equality under Article 14 and 15 of the Constitution of India and Right to Life and Live with Dignity under Article 21 of the Constitution of India and her right to practice any profession or to carry on any occupation, trade or business which includes right to safe working environment.

The protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all Forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India;

This Policy is meant to sensitize the employees about their fundamental right to have safe and healthy environment at their workplace and what conduct constitutes sexual harassment, the ways and means which we are adopting to prevent occurrence of any such events, and in the chance of an occurrence, to enable a fair mechanism for dealing with such conduct, SRFDCL has constituted an Internal Complaints Committee (ICC) (**herein after to be referred as "Committee"**) of SRFDCL.

III. DEFINITIONS:

"SRFDCL" or "Employer" shall mean Sabarmati Riverfront Development Corporation Limited, a Special Purpose Vehicle (SPV) set up by Ahmedabad Municipal Corporation (AMC), an entity incorporated as a company under the Companies Act, 1956 and entrusted with the task of implementation of the Sabarmati Riverfront Project by the AMC.

“Employee” shall mean a person employed at a 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 co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

“Aggrieved woman” or “Complainant” shall mean 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.

“Respondent” shall mean the person against whom the complaint has been filed by the complainant.

“Internal Complaints Committee” or “Committee” shall mean Committee formed under Section 4 of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013.

“Workplace” shall mean,

- i. any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
- ii. any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey.

“Sexual Harassment” shall include any one or more of the following unwelcome acts or behavior (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.

Note: Above is not intended to be an exhaustive list of definitions and is given only for guidance.

IV. RESPONSIBILITIES & DUTIES OF THE EMPLOYER:

1. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
2. Organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
3. Provide necessary facilities to the Internal Committee, for dealing with the complaint and conducting an inquiry;
4. Assist in securing the attendance of respondent and witnesses before the Internal Committee;
5. Make available such information to the Internal Committee, as it may require having regard to the complaint made under sub-section (1) of section 9 of the POSH Act;
6. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (45 of 1860) or any other law for the time being in force;
7. Cause to initiate action, under the Indian Penal Code (45 of 1860) or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
8. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;

9. Monitor the timely submission of reports by the Internal Committee.

V. PREVENTION OF SEXUAL HARRASSMENT:

1. No woman shall be subjected to sexual harassment at the workplace.
2. The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behaviour 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.

VI. INTERNAL COMPLAINTS COMMITTEE:

1. The Internal Committees shall consist of a Presiding Officer, not less than two Members from amongst 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 organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment; Provided that at least one-half of the total Members so nominated shall be women.
2. The Presiding Officer and every Member of the Internal Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
3. The Member appointed from amongst the non-governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the Internal Committee, by the employer, as may be prescribed and also reimbursement of travel cost incurred in travelling by train in three tier air condition or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him/her on travel, whichever is less.
4. Where the Presiding Officer or any Member of the Internal Committee, —
 - a. contravenes the provisions of section 16 of the POSH Act; or
 - b. 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
 - c. he 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;

such Presiding Officer or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of the section.

VII. LODGING A COMPLAINT:

- a. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee, 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:

- b. Where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing;
- c. The Internal Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.
- d. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under the POSH Act.
 - i. Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by –
 - 1. her relative or friend; or
 - 2. her co-worker; or
 - 3. an officer of the National Commission for Women or State Women’s Commission; or
 - 4. any person who has knowledge of the incident, with the written consent of the aggrieved woman;
 - ii. Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by –
 - 1. her relative or friend; or
 - 2. a special educator; or
 - 3. a qualified psychiatrist or psychologist; or
 - 4. the guardian or authority under whose care she is receiving treatment or care; or
 - 5. any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist or guardian or authority under whose care she is receiving treatment or care;
 - iii. Where the aggrieved woman 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 her written consent;
 - iv. Where the aggrieved woman is dead, a complaint may be filed who has knowledge of the incident, with the written consent of her legal heir.

VIII. CONCILIATION:

- a. The Internal Committee may, before initiating an inquiry under section 11 of the POSH Act and at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation;
- b. No monetary settlement shall be made as a basis of conciliation.
- c. Where settlement has been arrived at under sub-section (1) of the POSH Act, the Internal, shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
- d. The Internal Committee, shall provide the copies of the settlement as recorded under sub-section (2) of the POSH Act to the aggrieved woman and the respondent.
- e. Where a settlement is arrived at under sub-section (1) of the POSH Act, no further inquiry shall be conducted by the Internal Committee.

IX. INQUIRY MECHANISM:

- a. Where the respondent is an employee, Committee shall proceed to make inquiry into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as may be prescribed shall, if prima facie case exist, forward the complaint to the police, within a period of seven days for registering the case under section 509 of the Indian Penal Code (45 of 1860), and any other relevant provisions of the said Code where applicable;
- b. Where the aggrieved woman informs the Internal Committee, that any term or condition of the settlement arrived at under sub-section (2) of section 10 of the POSH ACT has not been

- complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police;
- c. Where both the parties are employees, the parties 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 Committee.
 - d. Notwithstanding anything contained in section 509 of the Indian Penal Code (45 of 1860), the court may, when the respondent is convicted of the offence, order payment of such sums as it may consider appropriate, to the aggrieved woman by the respondent, having regard to the provisions of section 15 of the POSH Act.
 - e. For the purpose of making an inquiry under sub-section (1) of the POSH Act, the Internal Committee, shall have the same powers as are vested in a Civil Court; the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:
—
 - I. summoning and enforcing the attendance of any person and examining him on oath;
 - II. requiring the discovery and production of documents; and
 - III. any other matter which may be prescribed.
 - IV. The inquiry under sub-section (1) of the POSH Act shall be completed within a period of ninety days.
 - f. At the time of filing the complaint, the complainant shall submit to the Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
 - g. On receipt of the complaint, the committee shall send one of the copies received from the aggrieved woman to the respondent within a period of seven working days.
 - h. The respondent shall file his reply to the complaint along with his list of documents of documents and names and addresses of the witnesses, within a period not exceeding ten working days from the date of the documents as specified in the aforesaid clause (f).
 - i. The Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
 - j. The Committee shall have 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 for three consecutive hearings convened by the Presiding Officer.
 - k. Such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.
 - l. The parties shall not be allowed to bring any legal practitioner to represent them in their case at any stage of the proceedings before the Committee.
 - m. In conducting the inquiry, a minimum of three Members of the Committee including the Presiding Officer shall be present.
 - n. On the completion of an inquiry under this Act, the Internal Committee, 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 be made available to the concerned parties.
 - o. Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
 - p. Where the Internal Committee arrives at the 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 where no such service rules have been made, in such manner as may be prescribed;
 - ii. to deduct, notwithstanding anything in the service rules 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, in accordance with the provisions of section 15 of the POSH Act:

- iii. In case the 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 to the respondent to pay such sum to the aggrieved woman:
- iv. In case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee may forward the order for recovery of the sum as an arrear to the concerned Officer.
- v. In case the Committee finds the degree of offence coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action shall be initiated by the employer, for making a Police Complaint.
- vi. Under the Indian Penal Code, (IPC), the Section S. 354A which deals with Sexual Harassment states that;
 - 1. A man committing any of the following acts—
 - a. physical contact and advances involving unwelcome and explicit sexual overtures; or
 - b. a demand or request for sexual favours; or
 - c. showing pornography against the will of a woman; or
 - d. making sexually coloured remarks, shall be guilty of the offence of sexual harassment.
 - 2. Any man who commits the offence specified in clause (a) or clause (b) or clause (c) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.
 - 3. Any man who commits the offence specified in clause (d) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.
 - 4. Under Chapter XVI of the Schedule 1 of The Code of Criminal Procedure, 1973

Sr. No.	Nature of Sexual Harassment	Punishment	Cognizable/ Non-Cognizable	Bailable/ Non-Bailable	Jurisdiction
1.	unwelcome physical contact and advances or a demand or request for sexual favours, showing pornography	Imprisonment which may extend to 3 years or with fine or with both	Cognizable	Bailable	Any Magistrate
2.	making sexually coloured remark	Imprisonment which may extend to 1 year or with fine or with both	Cognizable	Bailable	Any Magistrate

- vii. The employer shall act upon the recommendation within sixty days of its receipt by him.

X. RELIEF TO THE AGGRIVED WOMAN DURING THE PENDENCY OF THE INQUIRY:

During the pendency of an inquiry on a written request made by the aggrieved woman, the Internal Committee, may recommend to the employer 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. grant such other relief to the aggrieved woman as may be prescribed.
- d. 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.

The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.

On the recommendation of the Internal Committee under sub-section (1) of the POSH Act, the employer shall implement the recommendations made under sub-section (1) of the POSH Act and send the report of such implementation to the Internal Committee.

XI. DETERMINATION OF COMPENSATION TO THE AGGRIEVED WOMAN:

For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section 13 of the POSH Act, the Internal shall have regard to: -

- i. the mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
- ii. the loss in the career opportunity due to the incident of sexual harassment;
- iii. medical expenses incurred by the victim for physical or psychiatric treatment;
- iv. the income and financial status of the respondent;
- v. feasibility of such payment in lump sum or in instalments;

XII. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:

a. Where the ICC arrives at the conclusion after the inquiry that;

- i. The allegation against the respondent is malicious; or
- ii. The aggrieved woman or any other person making the complaint has made the complaint knowing it to be false; or
- iii. The aggrieved woman or any other person making the complaint has produced any forged or misleading documents; or
- iv. Any witness has given false evidence or produced any forged or misleading documents.

b. Employer may take any action including following against false or malicious complaint and false evidence;

- i. Written apology
- ii. Warning
- iii. Reprimand or Censure
- iv. Withholding of Promotion
- v. Withholding of Pay rise or increments
- vi. terminating the respondent from services or undergoing the counselling session of carrying out community service.

XIII. CONFIDENTIALITY:

- a. Notwithstanding anything contained in the Right to Information Act, 2005 (22 of 2005), the contents of the complaint made under section 9 of the POSH Act, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings,
- b. recommendations of the Internal Committee and action taken by the employer under the provisions of the POSH Act and Rules shall not be published, communicated or made known to the public, press and media in any manner:
- c. Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under the POSH Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

XIV. PENALTY FOR BREACHING CONFIDENTIALITY:

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of the POSH Act, contravenes the provisions of section 16 of the POSH Act, he shall be liable for penalty in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist, in such manner as may be prescribed.

XV. APPEAL:

1. Any person aggrieved from the recommendations made under sub-section (2) of section 13 or under clause (i) or clause (ii) of sub-section (3) of section 13 or sub-section (1) or sub-section (2) of section 14 or section 17 of the POSH Act or non-implementation of such recommendations may prefer an appeal to the court or tribunal in accordance with the provisions of the service rules applicable to the said person or where no such service rules exist then, without prejudice to provisions contained in any other law for the time being in force, the person aggrieved may prefer an appeal in such manner as may be prescribed.
2. The appeal under sub-section (1) shall be preferred within a period of ninety days of the recommendations.

XVI. NECESSARY COMPLIANCE BY THE COMMITTEE:

The Internal Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the employer –

- i. number of complaints of Sexual harassment received in the year;
- ii. number of complaints disposed of during the year;
- iii. number of cases pending for more than 90 days;
- iv. number of workshops or awareness program against Sexual Harassment carried out at the Workplace;
- v. nature of action taken by the employer.

XVII. EMPLOYER TO INCLUDE INFORMATION IN ANNUAL REPORT:

The employer shall include in its report the number of cases filed, if any, and their disposal under the POSH Act in the annual report of his organisation.

XVIII. ACT NOT IN DEROGATION OF ANY OTHER LAW:

The provisions of the POSH Act and Rules shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

XIX. INTERNAL COMPLAINTS COMMITTEE:

<u>INTERNAL COMPLAINT COMMITTEE - SRFDCL</u>				
Sr. No.	Name	Designation of the Committee	Contact details	Email Id
1	Ms. Shivangi Gajjar Company Secretary	Presiding Officer	9909001480	shivangi.gajjar@srfdcl.com
2	Ms. Snusha Joshi Legal Officer	Member	9725839499	snusha.joshi@srfdcl.com
3	Ms. Disha Shah AM (HR)	Member	9978007204	disha.shah@srfdcl.com
4	Yet to be decided	Member		