



**NICDIT KRISHNAPATNAM  
INDUSTRIAL CITY  
DEVELOPMENT LIMITED**

**Prevention of Sexual Harassment Policy Manual**

Adopted in 25<sup>th</sup> Board Meeting held on 21<sup>st</sup> March, 2024



## Anti-Sexual Harassment: The Law

The Prevention of Workplace Sexual Harassment Act and the Prevention of Workplace Sexual Harassment Rules have been enacted 16 years after the Supreme Court of India's landmark judgment in "Vishaka and others v. State of Rajasthan". ("Vishaka Judgment").

The Supreme Court, in the Vishaka Judgment, laid down guidelines making it mandatory for every employer to provide a mechanism to redress grievances pertaining to workplace sexual harassment and enforce the right to gender equality of working women. Vishaka guidelines apply to both organized and unorganized work sectors and to all women whether working part time, on contract or in voluntary/honorary capacity. The guidelines are a broad framework which put a lot of emphasis on prevention and within which all appropriate preventive measures can be adapted. One very important preventive measure is to adopt a policy which expressly prohibits sexual harassment at work place and provides effective grievance procedure, which has provisions clearly laid down for prevention and for training the personnel at all levels of employment. The directions were deemed to be "binding and enforceable in law." The company accepts this directive.

## PRINCIPLES

1. Sexual Harassment is unlawful and will not be tolerated in NKIDCL and is a disciplinary issue. The principles governing it are:
  - a. Speedy (early) resolution to problems
  - b. Confidentiality
2. It is the duty of all employees to comply with this policy.
3. Any retaliation against an individual who has complained about sexual harassment (complainant) or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will be treated as gross indiscipline.
4. Managers have a duty to ensure that all staff know that sexual harassment will not be tolerated.
5. Managers have a responsibility to take appropriate action where they become aware of possible case of sexual harassment.
6. Misuse of policy or malicious complaints will be dealt with as a disciplinary issue and will attract equally stringent penalties if proven guilty.

## APPLICABILITY

1. All employees of NKIDCL, regardless of the gender, nature of their contract, duration of employment or position in the organization.
2. Volunteers, consultants and interns, regardless of the duration of their association with the organization.
3. Associated employees of Member organizations who come in contact with NKIDCL staff as a result of the role of NKIDCL.
4. Action under this policy will be initiated in cases where any of the above are subjected to sexual harassment by an NKIDCL employee, inside or outside the office.

The policy is not designed or intended to limit NKIDCL's authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment. NKIDCL will actively assist and do all that is necessary to ensure the safety of female staff in the office premises or otherwise in respect to any duties/activities that they perform in connection with work which take place outside office premises and involves third party contacts.



In cases where an NKIDCL employee is subjected to sexual harassment in course of duty by a third party who is not an NKIDCL employee, this policy mandates immediate action to protect the complainant and to initiate action against the harasser, either through the appropriate policy of the concerned employer or, in cases where this is not possible, through the criminal justice system.

## DEFINITIONS

1. **"Complainant"** means -
  - an aggrieved person;
  - an aggrieved person or self and on behalf of others, in the case of more than one aggrieved person.
2. **"Defendant"** means a person against whom a complaint is filed by a complainant
3. **"Sexual Harassment"**: As per Supreme Court Sexual harassment includes any unwelcome sexually determined behavior such as:
  - Physical contact and advances
  - Demand or request for sexual favours
  - Sexually coloured remarks
  - Showing pornography
  - Any other unwelcome sexually determined physical, verbal or non-verbal conduct of a sexual nature.

NKIDCL aims to employ people from all walks of life and is committed to providing a safe working environment for all.

## EXAMPLE BEHAVIOR'S AND SCENARIOS

1. Such behavior shall include but not be limited to the following instances:
  - a. Where submission to or rejection of sexual advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions or for grant of loans, or
  - b. such advances, requests or conduct (whether direct or implied) have the purpose or effect of interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.
2. Under these definitions, direct or implied requests by any staff for sexual favors in exchange for loans made to women clients, actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.
3. The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, when that is unwelcome and where any staff has a reasonable apprehension that the conduct has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to staff may also constitute sexual harassment.
4. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness.



5. Examples of behavior include:

- a. Unwelcome sexual advances - whether they involve physical touching or not;
- b. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess; banter, insults, taunts or gibes which are disparaging about a particular gender or make reference to sexuality or intimate parts of the body
- c. Displaying pornographic or sexually suggestive objects, pictures, cartoons
- d. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- e. Inquiries into one's sexual experiences; and
- f. Sexually oriented comments and use of abusive language in the presence of women or any other foul language which shows disrespect towards women;
- g. Discussion of one's sexual activities.
- h. Persistent or unwanted attention or physical contact or similar;
- i. The exercise of undue influence to obtain consent to a sexual relationship;
- j. The general use of sexually explicit or provocative language;
- k. Obscene behaviour in front of women colleagues; seeing or compelling them to see photographs which make them feel harassed;
- l. Any behaviour that creates an environment that is intimidating, hostile, or offensive for members of one sex, and thus interferes with a person's ability to work;

The above is not exhaustive and can only be used as a guide for examples of sexual harassment.

#### PREVENTIVE ACTIONS

The company has '**zero tolerance**' towards sexual harassment and the company will be responsible for ensuring that Vishakha guidelines are communicated across all work groups/ service groups/ partners / employees and all associated NKIDCL stakeholders to promote a healthy work environment.

All persons will be strongly encouraged to immediately report any evidence of discriminatory harassment or complaints regarding discriminatory harassment made to them to the Senior Management or members of the ICC

#### INTERNAL COMPLAINTS COMMITTEE (ICC)

NKIDCL shall constitute an Internal Complaints Committee (hereinafter referred to as ICC) to address cases pertaining to sexual harassment. The HR Department, with advice and cooperation from the senior leadership team shall assume primary responsibility for effective constitution and functioning of the ICC.

The Internal Complaints Committee set up for this purpose, shall be empowered to carry out the mandate of the policy. The Committee will be empowered to receive complaints, attempt informal resolution through



mediation, conduct formal enquiries and recommend appropriate actions for redressal and punishment to the management.

### **Constitution of the Internal Complaints Committee (ICC)**

1. The Internal Complaints Committee shall consist of the following members to be nominated by the employer, namely:
  - a. Presiding Officer appointed by the management for a tenure of three years who shall be a woman employed at a senior level at workplace from amongst the employees
  - b. not less than two Internal Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge, one of the members should be the HR representative of the firm
  - c. one External Member from amongst Non-Governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
2. A minimum of 3 Members of the ICC including the Presiding Officer, an external member and HR Representative are to be present for conducting any meetings.
3. The Presiding Officer (PO) of ICC will be appointed by the MD/BoD of NKIDCL or may be nominated by APIIC Ltd., who in turn will constitute the ICC in accordance with the proposed representative structure.
4. The Member appointed from amongst the non-governmental organizations or associations shall be paid such fees or allowances for holding the proceedings of the ICC, by the employer, as may be prescribed.
5. At-least half the total members of the Committee have to be women. The Presiding Officer and every member of Internal Complaints Committee shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.
6. If the complainant desires one more women employee of the company, she can attend the ICC meetings if permitted by the ICC council.
7. The Committee members shall be provided with necessary training inputs to handle such issues effectively and with the required sensitivity and concern, if deemed necessary
8. A member of the ICC shall cease to hold membership should any one of the following conditions arise:
  - a. Upon she/he ceasing to be a staff of NKIDCL
  - b. Any member of the ICC remains absent without permission of the PO for more than three consecutive meetings
  - c. Any member of the ICC who is a complainant
  - d. Any member against whom a complaint of sexual harassment, violation of NKIDCL Standards of Professional Conduct or criminal charges are made and prima facie established
  - e. A member has so abused his position as to render his continuance in office prejudicial to the public interest.



9. In the event of any vacancy on the ICC due to resignation, termination, or for any other reason whatsoever, the same shall (within a period of three months of such vacancy) be filled in accordance with the procedures prescribed by this policy.
10. In the event where any member has conflict of interest either as a complainant or as defendant, then the membership will recuse themselves from that case.
11. All meetings of the ICC shall take place as per the schedule laid down by the management.
12. The composition of the ICC shall change every 3 years.
13. The names and contact details of all members of the ICC shall be prominently displayed on the main notice board of all NKIDCL offices.
14. Hold periodic discussions between the ICC members and conduct regular trainings.
15. For more information and details please refer to the Sexual Harassment at Workplace Manual.

#### **DUTIES AND RESPONSIBILITIES OF ICC**

1. It shall be the duty of the, HR Manager/ members of ICC, as the case may be, who receives such a complaint, to immediately inform the complainant of her/his right to initiate action in accordance with the policy.
2. Recognize that confidentiality is important and will respect the confidentiality and privacy of complainants or defendants, to the extent reasonably possible.
3. If at any stage after the filing of a complaint and during any proceedings in respect of it, the aggrieved staff shall have the right to withdraw the complaint and the ICC shall permit her/him to withdraw the complaint and if an inquiry has commenced, shall discontinue the inquiry.
4. If it is brought to the notice of the ICC or the ICC is of the opinion that, pressure is being brought on the complainant or the witnesses to withdraw their statements or not go through with the complaint then it shall record the same.
5. ICC shall be empowered to do all things necessary to ensure a fair hearing of the complaint including all things necessary to ensure that complainants/aggrieved persons or witnesses are neither victimized nor discriminated against while dealing with a complaint of sexual harassment. In this regard the ICC shall also have discretion to make appropriate interim recommendations vis-à-vis an accused person pending the outcome of a complaint including suspension. It would:
  - a. Ensure that procedures for registering complaints are simple, accessible and effective,
  - b. Take immediate cognizance of the complaints, conduct timely enquiries, provide redressal to the complainant and take action against the harasser,
  - c. Recommend appropriate follow up action and monitor the compliance,
  - d. Seek legal, medical or police assistance with the consent of the victim as and when necessary.



## COMPLAINT REDRESSAL PROCEDURE

1. All procedures will be quick and confidential. The provisions of this policy shall not restrict the powers of the Management or the complainant to proceed against the alleged harasser for any other misconduct.
2. It is important to take action as early as possible to curtail the harassment. The policy offers both Informal and Formal procedures to the aggrieved person to tackle the problem she/he is facing. She/he/They may decide not to use the informal procedure and move immediately into the formal procedure. The choice as to which process to use rests with the aggrieved person(s).

### Filing a Complaint of Sexual Harassment

1. If any staff at NKIDCL believes that she/he has been subjected to sexual harassment, such person, shall have the option to file a complaint with ICC either orally or in writing within 3 months from the date of the incident and in case of a series of incidents, within a period of 3 months from the date of the last incident.
2. A complaint may be filed by contacting any one of the members of the ICC. Members of ICC will also be available to discuss any concerns staff may have and to provide information about NKIDCL's policy on sexual harassment and the complaint process. In case an aggrieved employee complains to her/his line manager, they in turn will directly inform an ICC member.
3. At all stages it is recommended that the complainant/aggrieved person(s) keep notes of the incidents of harassment that occur, noting time, date, location, people involved, details of what was said and done and the manner in which it was done/said.
4. At any stage during the informal and formal stages of the investigation procedure a colleague may accompany the complainant/aggrieved person(s).

### Informal Procedure

1. Where felt appropriate by the complainant, an attempt may be made to resolve the complaint informally through an open and honest dialogue between the concerned employee and the manager (or if the issue relates to the manager, then a more senior manager may be approached).
2. If judged appropriate, an informal process (discussion with both parties and mediation to resolve the issue) will be attempted within one week of receipt of the complaint by the ICC.
3. In cases where the alleged offender accepts part or all of the substance of the complaint in the course of the informal process, ICC may recommend appropriate disciplinary action and document the same.
4. In cases where the informal process has been successful in resolving the grievance, the ICC will close the case and submit a report to the senior leadership recommending measures to prevent the recurrence of the situation that generated the complaint.
5. In cases where the informal process reveals prima facie evidence of gross sexual misconduct, the ICC may decide to institute a formal enquiry even if the complainant is satisfied with the outcomes of the informal process.



## Formal Procedure

1. In cases where an informal approach is deemed inappropriate, or is tried and fails to resolve the issue, a formal investigation will be instituted within fifteen days of the receipt of the original complaint. As has been mentioned above, the complainant/aggrieved person(s) can proceed directly with the formal procedure. The choice of the redressal procedure rests with the complainant/aggrieved person(s). If the initial complaint was made verbally, it will be taken in writing at this stage.
2. If the aggrieved person(s) decides to use the formal procedure they may contact any one of the duty bearers mentioned above and formally report to the person. The person approached in such a way must follow up on the case in a way agreed with the individual and in line with this policy.
3. After discussing the case the complainant should put their case in writing. The complainant will be asked to submit a written statement with details of the alleged incident(s) of harassment, with supporting evidence and names of persons who can provide corroboration.
4. On receiving the complaint, the duty bearer will report the complaint to the ICC.

## Investigation Process

1. On receiving a complaint of sexual harassment, the ICC will constitute an investigation panel from its own members or from other NKIDCL staff or external experts as appropriate to the complaint received. There will be minimum quorum of 3 members in the investigation panel. The investigation panel shall conduct a detailed inquiry into the complaint by following the process as laid out below.
2. The investigation into a complaint will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. In carrying out its investigation the panel should carry out its work in a discrete and sensitive manner and all those involved should treat the matter as strictly confidential.
3. In the course of investigating any complaint of harassment, the investigation panel shall ensure that the principles of natural justice are adhered to, namely: both parties shall be given reasonable opportunity to be heard along with witnesses and to produce any other relevant documents before the investigating panel; upon completion of the investigation, both parties, to the extent appropriate, will be informed of the results of that investigation.
4. In the event the complainant and/or respondent fail to present themselves before the ICC without sufficient cause for three consecutive hearings, the ICC shall if it deems fit, terminate inquiry proceedings or issue ex-parte decision for the complaint. However, such a decision can be taken by the ICC only after giving an advance notice of 15 days to the parties.
5. The alleged offender will be informed in writing of the substance of the complaint. Depending on the nature of the complaint and the particular circumstances of the case, the alleged offender will be requested to respond either in writing or orally to the investigation panel, which will record the response.
6. The alleged offender will also be asked to submit documentary or other evidence in refutation of the complaint.
7. In the course of investigating the complaint, investigation panel will conduct personal interviews with the complainant, the alleged offender and any other individuals who can provide information in support of, or in refutation of, the complaint. The complainant and the defendant shall be called separately to ensure freedom of expression and an atmosphere free of intimidation. The complainant shall be entitled to be accompanied by one representative during the enquiry.





8. The investigation panel may also examine documents, including confidential files and records pertinent to the case, wherever it feels the same is necessary.
9. The proceedings of the investigation and the deliberations of the ICC will be recorded both in writing and on tape.
10. The complainant (or a person nominated by the complainant as an observer) will have the right to remain present during the depositions by the alleged offender and witnesses. Transcripts of the depositions may be made available in cases where the complainant chooses not to exercise the right to be present.
11. In extreme circumstances it may be appropriate to suspend the alleged harasser (without blame) on full pay pending the outcome of the investigation.
12. Recommendation by the majority members of the investigations panel will be accepted as the recommendation of the panel, but the panel will record dissent and differences, if any.

### RECOMMENDATION AND ACTION ON POLICY VIOLATION

1. At the close of the investigation, the ICC will submit a report in writing, stating its findings and recommending the appropriate course of action. Recommendations made by ICC shall be final and binding on the management of NKIDCL.
2. NKIDCL views any finding of harassment a serious violation of human rights; if it is determined that inappropriate conduct has been committed by a staff, appropriate action will follow under the circumstances. Such action may range from counselling to termination from employment, and may include such other forms of disciplinary action as the ICC deems appropriate under the circumstances and makes a written recommendation. NKIDCL Management will be responsible to initiate action to stop the harassment and prevent its reoccurrence. ICC will be responsible for ensuring that the recommendations are followed up.
3. After completing the investigation, where a person(s) is found to have sexually harassed another person(s), ICC shall make clear recommendations as to necessary action to be instituted to remove the offensive conduct and where appropriate, for disciplinary proceedings to be taken against the harasser as per the service rules of NKIDCL. The complainant's views shall be taken into consideration for this purpose. The complainant will have the option to seek transfer of the offender or their own transfer.
4. On the completion of an enquiry by an investigation panel, it will file its report to the ICC committee. The ICC may recommend to the NKIDCL Management actions by a reasoned order and dismiss the complaint which was the subject-matter of the inquiry; or pass any one or more of the following directions, such as -
  - a. That the defendant shall not repeat or continue such unlawful conduct; or
  - b. That the defendant shall perform any reasonable act or course of conduct to redress any loss or damage suffered by the complainant; or
  - c. That the defendant shall give a written apology to the aggrieved person(s) clearly undertaking that such behaviour will not be repeated and that no retaliatory steps will be taken by her/him or on her/his behalf; or
  - d. That a punishment in addition to above be imposed upon the defendant, where the



defendant is an employee, according to the gravity of the act of which she/he has been proven guilty.

5. The ICC may direct that, any of the following punishments, having regard to the gravity of the act of which he has been found guilty, be imposed on the defendant.

#### **PENALTIES FOR POLICY VIOLATIONS**

Any employee who is found to have violated this policy (by either sexually harassing another employee or by falsely accusing another person of sexual harassment) shall be subject to appropriate disciplinary action as deemed fit by the ICC. It could be either one or a combination of the actions given below:

1. Written apology;
2. Warning and taking a written bond of good conduct;
3. Reprimand or censure;
4. Withholding of promotion till such period as mentioned;
5. Withholding of pay rise or increments of pay till such period mentioned;
6. Termination from service;
7. Undergoing counselling session;
8. Performing Community service;
9. Compelling the respondent to pay a reasonable amount of compensation to the complainant;
10. Deduction of sum from salary or wages of the respondent as it may be considered appropriate by the Management to be paid to the complainant. In case deduction from salary / wages is not possible due to absence or cessation from employment, defendant can be directed to pay the amount to the complainant; and
11. Where the perpetrator is an outsider, NKIDCL, in addition to assisting the complainant to initiate action under the IPC or any other law for the time being in force, will also pass and implement necessary orders restricting the perpetrator's entry into the premises and forewarn them of criminal/legal action in case any trauma or threat of any kind is caused to the complainant.

Provided further that before any action is taken under this clause, the defendant shall be given an opportunity to show cause as to why the proposed action should not be taken against him.

*[NOTE: Explanation - For the purpose of this sub-section, "damage" shall include the injury to the feelings of the aggrieved person or the humiliation suffered by her/him.]*

#### **TIMELINES**

1. Written complaints (6 copies) along with supporting documents and names and addresses of witnesses have to be filed within 3 months of the date of the incident.
2. Upon receipt of the complaint, 1 copy of the complaint is to be sent to the respondent within 7 days.



3. Upon receipt of the copy of complaint, the respondent is required to reply to the complaint along with a list of supporting documents, and names and addresses of witnesses within 10 working days.
4. The Inquiry has to be completed within a total of 90 days from the receipt of the complaint and the report of the inquiry has to be issued within 10 days from the date of completion of inquiry.
5. NKIDCL team is required to act on the recommendations of the ICC within 60 days of receipt of the Inquiry report.
6. Appeal against the decision of the committee is allowed within 90 days from the date of recommendations.

## REPORT

The investigation panel should prepare a report of its findings and submit it to the ICC.

The two parties involved will receive copies of the investigation report. There should also be an agreement between the parties as to the level of confidentiality to be maintained about the details of the complaint. Copies of the report and any supporting papers will be kept in a separate confidential file.

## APPEAL

Either party may wish to lodge an appeal within 30 days of the announcement of the decision by the NKIDCL management based on the inquiry report to the ICC. This appeal may only be on the grounds of unfairness/fault in the procedure not on grounds of the decision itself.

In the case of an appeal a new panel will be set up in the same way as the original investigation panel and the grounds for the appeal shall be investigated. At this stage it will probably be appropriate to involve one or more managers in the new panel. The fresh inquiry has to be completed within a period of 60 days from the date of appeal and the report of the inquiry has to be issued within 10 days from the date of completion of the inquiry to the ICC including any changes if any or otherwise, in the original report. Upon the receipt of the fresh report, the NKIDCL management will have to announce its final decision within a period of 10 days, which will be binding on all parties with no further scope of appeal.

Alternatively, any person(s) aggrieved from the decision may prefer an appeal to the Court of Tribunal in accordance with the provisions of the service rules, by notifying the employer before a period of not less than 30 days of filing such an appeal.

## CONFIDENTIALITY

NKIDCL understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

Confidentiality will be maintained throughout the investigatory process to the extent practicable and appropriate under the circumstances. Publication, communication or giving information to public and media of contents of the complaint, identity and addresses of the complainant, respondent and witnesses, information related to conciliation or enquiry proceedings, recommendations by the ICC, and action taken by the employer is treated as confidential and as a consequence prohibited.

However, in order to disseminate information regarding the justice done to the complainant, NKIDCL under this policy can publish data without disclosing name, address, identity, or any other particulars leading to identification of the persons involved.



The Company apart from other disciplinary actions shall also recover a sum of INR 5,000 (Five Thousand only) as penalty from any person who violates the confidentiality obligation under this policy.

### **CRIMINAL PROCEEDINGS**

In the event the conduct complained of amounts to a specific offence under the Indian Penal Code or under any other law in existence, the ICC shall recommend to management to take appropriate action in making a complaint with the appropriate authority.

The ICC will actively assist and do all that is necessary to ensure the safety of a complainant in the office premises or otherwise in respect to any duties/activities performed in connection with her/his work which take place outside office premises.

### **FRIVOLOUS COMPLAINTS**

If the enquiry reveals that the complaint is unjustified or Complainant had raised the concern with ulterior motives, the steering committee will counsel the Complainant and recommend suitable action to prevent recurrence. In more severe cases, the steering committee may suggest disciplinary action in accordance with the service rules of the organization. Where the organization does not have service rules, the statute provides that disciplinary action such as written apology, warning, reprimand, censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service, undergoing a counselling session, or carrying out community service may be taken.

The statute further clarifies that the mere inability to substantiate a complaint or provide adequate proof need not mean that the complaint is false or malicious. In this scenario, ICC and NKIDCL Management or the Steering Committee will ensure that the Complainant is not victimized.

### **MIS AND ANNUAL REPORT**

The ICC in each calendar year, prepare and submit report giving the following details-

1. Number of complaints of sexual harassment received in the year
2. Number of complaints disposed/closed during the year
3. Number of cases pending for more than 90 days

Additionally, the presiding officer of the ICC shall be responsible for providing periodical & ad-hoc reports as and when asked for by the concerned regulatory & supervisory authorities.

