

Almondz Global Securities Ltd.

Board Note dated 6 Feb 2014

Re: Almondz Policy for the Prevention, Prohibition and Redressal of Sexual Harassment of Women

After the parliamentary enactment of *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013* (hereinafter “Act”) on 23 April 2013 and the corresponding *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013* (hereinafter “Rules”) on 9 December 2013, it has become mandatory for every employer to ensure that no woman is subjected to sexual harassment at the workplace. Towards this end, every employer has to, by an order in writing, constitute a Committee in the workplace to be known as the “Internal Complaints Committee”. An aggrieved woman can make a complaint of sexual harassment at the workplace to this committee which in turn has to take appropriate steps for redressal in accordance with the Act, including initiating an Inquiry. The employer on his part has been entrusted with several responsibilities under the Act including facilitating the functioning of the Internal Complaints Committee. The employer also has to continuously strive to make the workplace properly sensitized and safe for women.

The Act also prescribes penalty for non – compliance with its provisions. It says that where the employer fails to

- i. constitute an Internal Committee under sub section 1 of sec 4 of the Act, or
- ii. take action under sections 13, 14 and 22 of the Act; and
- iii. contravenes or attempts to contravene or abets contravention of other provisions of this Act or any Rules made thereunder,

he shall be punishable with a fine which may extend up to Rs 50000.

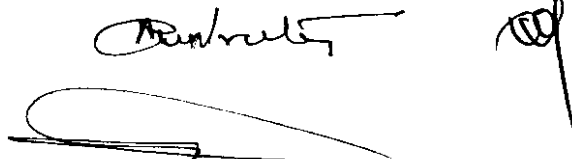
If any employer, after having been previously convicted of an offence punishable under this Act, subsequently commits and is convicted of the same offence, he shall be liable to:

- i. twice the punishment that might have been imposed on a first conviction
- ii. cancellation or non-renewal of the registration by the Government required for carrying on his business or activity.

In line with this Act and the Rules (marked as annexures 1 and 2), our company (hereinafter “Almondz”, which expression would also include all its subsidiaries) has framed the following policy for the prevention of sexual harassment for women.

The policy will be called the *Almondz Policy for the Prevention, Prohibition and Redressal of Sexual Harassment of Women* (hereinafter “Policy”) and shall extend to the whole of Almondz and its subsidiaries. The Policy is intended to provide protection against sexual harassment of women at the workplace, and the prevention and redressal of complaints of sexual harassment. The Policy comes into force with immediate effect.

The basis for this Policy, as for the Act, is contained in the Act’s opening comments which are being reproduced below:



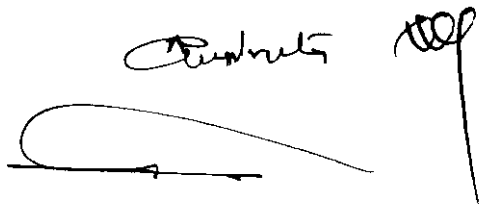
“WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

“AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognized 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;

“AND WHEREAS it is expedient to make provisions for giving effect to the said Convention for protection of women against sexual harassment at workplace.”

I. Definitions:

- a) **‘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.
- b) **‘Employee’** means 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.
- c) **‘Employer’** means any person responsible for the management, supervision and control of the workplace. The term ‘management’ here includes the person or board or committee responsible for formulation and administration of policies for the organisation.
- d) **‘Internal Committee’** means an Internal Complaints Committee constituted under section III of the Policy.
- e) **‘Member’** means a member of the Internal Committee.
- f) **‘prescribed’** means prescribed by the Rules.
- g) **‘Presiding Officer’** means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (1) of section III.
- h) **‘Respondent’** means a person against whom the aggrieved woman has made a complaint under section IV.
- i) **‘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 colored remarks; or
 - iv showing pornography; or
 - v any other unwelcome physical, verbal, or non-verbal conduct of sexual nature
- j) **‘Special educator’** means a person trained in communication with people with special needs in a way that addresses their individual differences and needs;
- k) **Workplace** includes the entire Almondz organization covering all establishment offices. Additionally, it also includes any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey.
- l)



II. Prevention of Sexual Harassment

The objective of the Policy is to ensure that no woman shall be subjected to sexual harassment at Almondz.

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:

- i. implied or explicit promise of preferential treatment in her employment; or
- ii. implied or explicit threat of detrimental treatment in her employment; or
- iii. implied or explicit threat about her present or future employment status; or
- iv. interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- v. humiliating treatment likely to affect her health or safety.

III. Constitution of Internal Complaints Committee

Immediately following the adoption of the Policy by the Board, Almondz shall, by an order in writing, constitute a Committee to be known as the "Internal Complaints Committee". The Internal Committee shall consist of the following members to be nominated by the Managing Director, namely:

- i. A Presiding Officer who shall be a woman employed at a senior level at Almondz. (Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units. Provided further that in case the other offices or administrative units of the workplace also do not have a senior level woman employee, the Presiding Officer shall be nominated from any other workplace of the same employer or other department or organization);
- ii. 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.
- iii. 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. Such a person who has expertise on issues relating to sexual harassment may include (a) a social worker with at least five years' experience in the field of social work which leads to creation of societal conditions favorable towards empowerment of women and in particular in addressing workplace sexual harassment (b) a person who is familiar with labour, service, civil or criminal law.
- iv. Provided that at least one half of the total Members so nominated shall be women.
- v. 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.
- vi. The Member appointed from amongst the Non-Governmental Organisations or associations shall be entitled to an allowance of Rs 200/- per day for holding the proceedings of the Internal Committee, and also the reimbursement of travel cost incurred in travelling by train in three tier air conditioned or air conditioned bus and auto rickshaw or taxi, or the actual amount spent by him on travel, whichever is less. The rates of these payments are as set out in the Rules.
- vii. Where the Presiding Officer or any Member of the Internal Committee,
 - a) contravenes the provision of Section XI; 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 proceeding 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 this section.

IV. Complaint of sexual harassment

Any aggrieved woman may make, in writing, a complaint of sexual harassment at Almondz to the Internal Committee within a period of three months from the date of the incident and, in case of a series of incidents, within a period of three months from the date of the last incident.

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee shall render all reasonable assistance to the woman to make the complaint in writing.

Provided further that the Internal Committee, 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.

Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by her relative or friend or her co-worker or an officer of the National Commission for Women or State Women's Commission or any person who has knowledge of the incident, with the written consent of the aggrieved woman.

Where the aggrieved woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by her relative or friend or a special educator or a qualified psychiatrist or psychologist or the guardian or authority under whose care she is receiving treatment or care or 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 guardian or authority under whose care she is receiving treatment or care. 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.

Where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir.

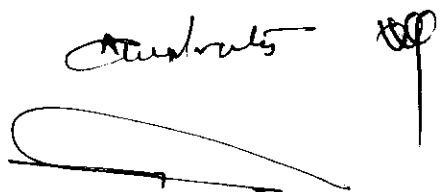
V. Conciliation

- 1) The Internal Committee may, before initiating an inquiry under section VI and at the request of the aggrieved woman, take steps to settle the matter between her and the respondent through conciliation. Provided that no monetary settlement shall be made as a basis for conciliation.
- 2) Where a settlement has been arrived at under sub-section (1), the Internal Committee shall record the settlement so arrived at and forward the same to the employer to take action as specified in the recommendation.
- 3) The Internal Committee shall provide the copies of the settlement as recorded under sub-section (2) to the aggrieved woman and to the respondent.
- 4) Where a settlement has been arrived at under sub-section (1), no further inquiry shall be conducted by the Internal Committee.

VI. Inquiry into Complaint

- 1) Subject to the provision of section V, the Internal Committee shall, where the respondent is an employee, 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 the manner as prescribed below:

4 | Page



- i. At the time of filing complaint, the complainant shall submit to the Complaints Committee, six copies of the complaint along with supporting documents and the names and addresses of the witnesses.
- ii. On receipt of the complaint, the Complaints Committee shall send one of the copies received from the aggrieved woman under sub-rule (1) to the respondent within a period of seven working days.
- iii. 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 documents specified under sub-rule (1).
- iv. The Complaints Committee shall make inquiry into the complaint in accordance with the principles of natural justice.
- v. The Complaints committee shall have the 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 Chairperson or Presiding Officer.

Provided that such termination or ex-parte order may not be passed without giving a notice in writing, fifteen days in advance, to the party concerned.

- vi. 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 Complaints Committee.
- vii. In conducting the inquiry, a minimum of three Members of the Complaints Committee including the Presiding Officer or the Chairperson, shall be present.

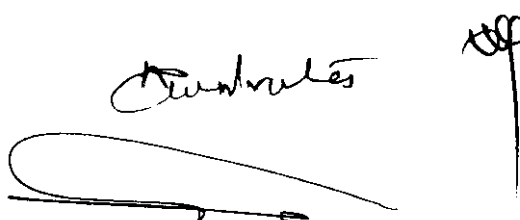
Provided that where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at under sub-section (2) of section V has not been complied with by the respondent, the Internal Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police.

Provided further that where both the parties are employees, the parties shall, during the course of the 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.

- 2) For the purpose of making an inquiry under sub-section (1), the Internal Committee shall have the same powers as are vested in a civil court under the Court of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:
 - a) summoning and enforcing the attendance of any person and examining him on oath;
 - b) requiring the discovery and production of documents; and
 - c) any other matter which may be prescribed.
- 3) The inquiry under sub-section (1) shall be concluded within a period of ninety days.

VII. Action during pendency of Inquiry

- 1) 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

Chandru


- b) grant leave to the aggrieved woman up to a period of three months; or
 - c) 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.
- 2) The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
 - 3) On the recommendation of the Internal Committee, the employer shall implement the recommendations made under sub-section (1) and send the report of such implementation to the Internal Committee.

VIII. Inquiry Report

- 1) On the completion of an inquiry under this Policy, 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 shall be made available to the concerned parties.
- 2) 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.
- 3) 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 misconduct in accordance with the provisions of the service rules applicable to the respondent or where no such service rules have been made, it shall recommend to the employer to take any action including a written apology, warning, reprimand or censure, withholding of promotion, withholding of pay rise or increments, terminating the respondent from service or undergoing a counselling session or carrying out community service.
 - ii. to deduct, notwithstanding anything contained 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 X.

Provided that 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.

Provided further that in case the respondent fails to pay the sum referred to in clause (ii), the Internal Committee may forward the order of recovery of the sum as an arrear of land revenue to the concerned District Officer.

- 4) The employer shall act upon the recommendation within sixty days of its receipt.

IX. Punishment for false and malicious complaint and false evidence

- 1) Where the Internal 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 take action against the woman or the person who has made the complaint under section IV, under the provisions of the service rules applicable to her or him. Where, however, no such service rules exist, the Internal Committee may recommend to the employer to take any action including a written apology, warning, reprimand or censure, withholding of promotion,

The bottom of the page contains two handwritten signatures. The one on the left is written in cursive and appears to be 'Sudhakar'. The one on the right is a stylized signature. Below these signatures is a large, dark, horizontal scribble that spans across the width of the page.

withholding of pay rise or increments, terminating the complainant from service or undergoing a counselling session or carrying out community service.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section.

Provided further that the malicious intent on the part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

- 2) Where the Internal 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 take action in accordance with the provisions of the service rules applicable to the said witness, or where no such rules exist, in such manner as may be prescribed.

X. Determination of compensation

For the purpose of determining the sums to be paid to the aggrieved woman under clause (ii) of sub-section (3) of section VIII, the Internal Committee shall have 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 lumpsum or in instalments.

XI. Prohibition of Publication or making known contents of complaint and inquiry proceeding

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under section IV, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee, and the action taken by the employer shall not be published, communicated or made known to the public, press and media in any manner, as prescribed by the Act.

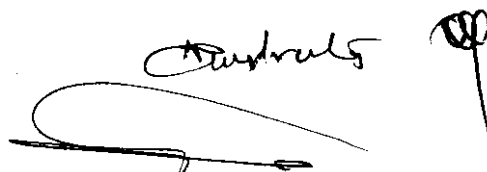
Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

XII. Penalty for publication or making known contents of complaint and inquiry proceedings

Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendation or action to be taken under the provisions of the Act or this Policy, contravenes the provisions of section XI, 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, the employer shall recover a sum of Rs 5000/- as penalty from such person.

XIII. Appeal

- 1) Any person aggrieved from the recommendations made under sub section 2 of section VIII, or under clauses (i) or (ii) of sub section (3) of section VIII, or sub sections (1) or (2) of section IX, or section XII, 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. Where no such service

The page concludes with a handwritten signature in black ink, which appears to be 'S. S. S.' or similar, written in a cursive style. To the right of the signature is a circular stamp, partially visible, with some illegible text or a logo inside.

rules exist then, without prejudice to provisions contained in any other law for the time being in force, any person aggrieved with the recommendations made under the afore named sections or non-implementation of such recommendations, may prefer an appeal to the appellate authority notified under clause (a) of section 2 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946).

- 2) The appeal under sub section (1) shall be preferred within a period of ninety days of the recommendations

XIV. Duties of Almondz as Employer

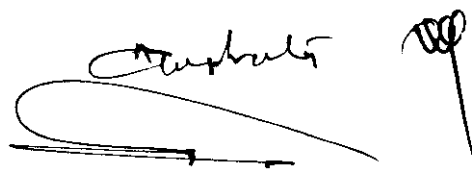
Almondz shall:

- 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 harassment; and the order constituting the Internal Committee under section III;
- c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of this Act and orientation programmes for the members of the Internal Committee, as set out in section XV below;
- d) provide necessary facilities to the Internal Committee for dealing with the complaints and conducting an inquiry;
- e) assist in securing the attendance of respondents and witnesses before the Internal Committee;
- f) make available such information to the Internal Committee as it may require having regard to the complaint made under section IV;
- g) provide assistance to the woman if she so 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.
- h) 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 aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- i) treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
- j) monitor the timely submission of reports by the Internal Committee.

XV. Manner to organize workshops etc.

It is incumbent on every employer to

- 1) Formulate and widely disseminate the internal policy or charter or resolution or declaration for prohibition, prevention and redressal of sexual harassment at the workplace intended to promote gender sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women.
- 2) Carry out orientation programmes and seminars for the Members of the Internal Committee.
- 3) Carry out employees awareness programmes and create forums for dialogues which may involve women's groups, adolescent groups, mothers' committee, local bodies etc.
- 4) Conduct capacity building and skill building programmes for the Members of the Internal Committee.
- 5) Declare the names and contact details of all the Members of the Internal Committee.
- 6) Use modules developed by the State/Central Governments to conduct workshops and awareness programmes for sensitising the employees with the provisions of the Act and this Policy.



XVI: Preparation of Annual Reports

The Internal Committee shall in each calendar year prepare an annual report and submit the same to the employer and the District Officer. The annual report will contain:

- a) Number of complaints of sexual harassment received in the year;
- b) Number of complaints disposed off during the year;
- c) Number of cases pending for more than 90 days;
- d) Number of workshops or awareness programmes against sexual harassment carried out;
- e) Nature of action taken by the employer.

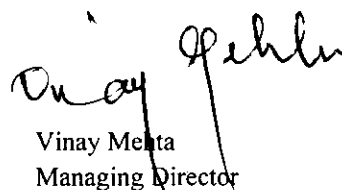
The employer shall include in its report the number of cases filed, if any, and their disposal under this Policy and the Act in the annual report of his organization and where no such report is required to be prepared, intimate such number of cases, if any, to the District Officer.



Ajay Pratap
Company Secretary



G.P. Agarwal
Executive Director



Vinay Mehta
Managing Director