



PREVENTION OF SEXUAL HARASSMENT POLICY

ITWINGS INFOSYSTEM LIMITED
(Formerly known as ITwings Infosystem Private Limited)

Policy Version: 2.0

Policy Owner: Human Resources Department

Approved By: Board of Directors

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Next Review: At least annually and whenever there is a change in applicable law, regulation, judicial interpretation or organisational structure



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Corporate Office :

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1. INTRODUCTION

- 1.1 **ITWINGS INFOSYSTEM LIMITED** (the “Company”) is committed to creating a safe work environment that is free from any form of sexual harassment and where all employees are treated with dignity and respect. The Company is dedicated to maintaining an environment which is free from coercion and intimidation.
- 1.2 This Policy has been framed in accordance with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act"), the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("POSH Rules"), and other applicable laws, rules, regulations and judicial directions, as amended or replaced from time to time. In the event of any inconsistency between this Policy and applicable law, the provisions of applicable law shall prevail.
- 1.3 The Company shall adopt certain procedures and guidelines to govern cases of sexual harassment. The procedure has been provided below in this policy.
- 1.4 All allegations of sexual harassment shall be taken seriously by the Company and shall be governed by this Policy.

The objectives of this Policy are to:

- (a) provide a safe, secure and dignified workplace;
- (b) prevent sexual harassment at the workplace;
- (c) provide an effective redressal mechanism for complaints;
- (d) ensure fair, impartial and timely inquiry into complaints; and
- (e) promote awareness and sensitivity amongst all employees.

2. SCOPE

- 2.1 This Policy applies to all employees of the Company, irrespective of their employment status, including permanent, temporary, probationary, contractual, trainee, apprentice, consultant and persons engaged through contractors or agents.

The Policy provides protection to every Aggrieved Woman at the Workplace in accordance with the POSH Act and shall apply to all acts of sexual harassment occurring at or in connection with the Workplace.

- 2.2 Where Sexual Harassment occurs against any Aggrieved Woman as a result of an act by a third party or outsider while on official duty, the Company will take all necessary and reasonable steps as required under applicable law to assist the Aggrieved Woman and, where appropriate, initiate or support action against such third party or outsider.



This Policy shall apply to allegations of Sexual Harassment occurring at the Company premises, any place visited by an Employee arising out of or during the course of employment, transportation provided by the Company, client or customer premises, official travel, Company-sponsored events and activities, work-from-home or remote-working locations where the conduct is connected with employment, and work-related electronic or virtual platforms, including official email, messaging applications and video-conferencing platforms, to the extent such locations or circumstances fall within the meaning of "Workplace" under the POSH Act.

3. NON-RETALIATION AND GOOD FAITH

- 3.1 The Company is committed to ensuring that no person shall be subjected to retaliation, victimisation, intimidation or any adverse employment consequences for making a complaint in good faith, participating in an inquiry or providing evidence under this Policy.
- 3.2 Nothing contained in this Policy shall discourage any person from making a genuine complaint in good faith. Mere inability to substantiate a complaint or provide adequate proof shall not, by itself, attract any disciplinary action under this Policy.
- 3.3 Appropriate action may, however, be taken in accordance with the provisions of the POSH Act where the Internal Committee concludes that a complaint was made maliciously or that false or misleading evidence was knowingly produced.

4. DEFINITIONS

4.1 Unless repugnant to the meaning or context thereof, the following expressions, wherever used in this Policy, shall have the meaning assigned to them below:

- a) **"Act"** means "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and any amendment thereto.
- b) **"Aggrieved Woman"** shall have the meaning assigned to it under Section 2(a) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013..
- c) **"Internal Complaints Committee" or "Internal Committee"** means the committee constituted by the Employer by an order in writing under Section 4 of the POSH Act for receiving and redressing complaints of Sexual Harassment at the Workplace.
- d) **"Respondent"** means the person against whom the allegation of Sexual Harassment has been made by the Aggrieved Woman.
- e) **"Employer"** shall have the meaning assigned to it under Section 2(g) of the POSH Act.
- f) **"Workplace"** shall have the meaning assigned to it under Section 2(o) of the POSH Act.



- g) "Employee" shall have the meaning assigned to it under Section 2(f) of the POSH Act.
- h) **"Sexual harassment"** includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication), but not limited to:
 - 1. Any unwelcome sexually determined behaviour, or pattern of conduct, that would cause discomfort and/or humiliate a person at whom the behaviour or conduct was directed namely:
 - a) Unwelcome sexual advances involving verbal, non-verbal, or physical conduct, implicit or explicit;
 - b) Physical contact and advances including (but not limited to) touching, stalking, sounds which have explicit and /or implicit sexual connotation/overtones, molestation;
 - c) Teasing, Voyeurism, innuendos and taunts with implicit sexual connotation, physical confinement and /or touching against one's will;
 - d) Demand or request for sexual favours;
 - e) Sexually coloured remarks or remarks of a sexual nature about a person's clothing or body;
 - f) Display of pictures, signs etc. with sexual nature/ connotation/ overtones in the work area and work-related areas;
 - g) Showing pornography, making or posting vulgar / indecent / sexual pranks, teasing, jokes, demeaning or offensive pictures, cartoons or other materials through email, SMS, MMS, gestures etc;
 - h) Repeatedly asking to socialize during off-duty hours or continued expressions of sexual interest against a person's wishes;
 - i) Giving gifts or leaving objects that are sexually suggestive;
 - j) Eve teasing, innuendos and taunts, physical confinement against one's will or any such act likely to intrude upon one's privacy; Persistent watching, following, contacting of a person;
 - k) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.
 - 2. The following circumstances if it occurs or is present in relation to any sexually determined act or behaviour amount to sexual harassment:
 - a) Implied or explicit promise of preferential treatment in employment;
 - b) Implied or explicit threat of detrimental treatment in employment;
 - c) Implied or explicit threat about the present or future employment status;
 - d) Interference with the person's work or creating an intimidating or offensive or hostile work environment; or
 - e) Humiliating treatment likely to affect health or safety.

Whether conduct constitutes Sexual Harassment shall be determined in accordance with the POSH Act, applicable law and the facts and circumstances of each case. The fact that the person engaging in the conduct did not intend to cause offence shall not, by itself, be a defence where the conduct otherwise falls within the statutory definition of Sexual Harassment.



4.2 INTERPRETATION

Words and expressions used but not defined in this Policy shall have the meanings assigned to them under the POSH Act, the POSH Rules and other applicable laws.

In case of any inconsistency between this Policy and applicable law, the provisions of the applicable law shall prevail.

5. INTERNAL COMPLAINTS COMMITTEE

5.1 The Internal Complaints Committee shall comprise of:

- a) A Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the Employees;
- b) Not less than 2 (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
- c) One member from amongst non-governmental organization 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 of the Internal Committee shall be women, in accordance with the POSH Act.

5.2 The Internal Complaints Committee will operate on the following guidelines:

- a) The Internal Committee shall meet as and when any complaint of Sexual Harassment is referred to it and shall conduct its proceedings in accordance with the POSH Act, the POSH Rules and this Policy.
- b) The Internal Committee shall prepare its Annual Report in the manner and containing such particulars as prescribed under the POSH Act and POSH Rules and shall submit the same to the Employer and the District Officer as required by applicable law.
- c) The Company shall make such disclosures in its annual report and/or provide such information to the District Officer or other prescribed authority as may be required under the POSH Act, POSH Rules and applicable law.
- d) The Presiding Officer and the members of the Internal Complaints Committee will hold the position up to three years from the date of their nomination.

6. COMPLAINT PROCEDURE

A. LODGING A COMPLAINT:

- i. The Aggrieved Woman may make a complaint directly to the Presiding Officer or any member of the Internal Committee. The complaint shall ordinarily be made in writing within three months from the date of the incident or, in the case of a series of incidents, within three months from the date of the last incident. The Internal Committee may extend the time limit by a further period not exceeding three months, for reasons to be recorded in writing, where it is satisfied that circumstances prevented the Aggrieved Woman from making the complaint within the prescribed period.

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- ii. Where an Aggrieved Woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by
 - (a) her relative or friend, or
 - (b) her co-worker,
 - (c) an officer of the National or State Commission for Women, or
 - (d) any person who has knowledge of the incident, with the written consent of the Aggrieved Woman.
- iii. Where an Aggrieved Woman is unable to make a complaint on account of her mental incapacity, a complaint may be filed by
 - (a) her relative or friend, or
 - (b) a special educator, or a qualified psychiatrist or psychologist,
 - (c) the guardian, or
 - (d) any person who has knowledge of the incident jointly with any of the persons mentioned in (i) to (iii) of this paragraph.
- iv. Where an 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 the written consent of the Aggrieved Woman.
- v. The complaint and all information received in connection with the complaint shall be treated as confidential by the Internal Committee and persons handling the complaint, in accordance with applicable law.
- vi. If the Aggrieved Woman would like to initiate action under any applicable criminal law, she may inform the Company management of the same, and the Company shall provide necessary assistance to the Aggrieved Woman in accordance with applicable law

B. RECEIVING A COMPLAINT (GUIDELINES)

Dealing with incidents of harassment is not like any other type of dispute. Complainants may be embarrassed and distressed and it requires tact and discretion while receiving the complaint. The following points are to be kept in mind by the receiver of the complaint:

- Complaints are listened to, and the complainant informed that the Company takes the concerns seriously. The complainant is informed that these concerns will be reported to the appropriate committee and follow-up will be done speedily.
- Situations are not to be prejudged. Written notes are to be taken while listening to the person. When taking notes, the complainant's own words, where possible, are to be used accurately. A clear description of the incident in simple and direct terms is prepared and details are confirmed with the complainant.
- All notes are kept strictly confidential. The complainant's agreement is obtained to allow proceeding with the matter, which involves a formal investigation.

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- The complainant is advised that although the process is confidential, the respondent needs to be informed, and any witnesses and persons directly involved in the complaint process will also learn of the complainant's identity. Care is taken to prevent any disadvantage to or victimization of either the complainant or the respondent.

C. RESOLUTION THROUGH CONCILIATION:

- i. Once the complaint is received, before initiating an inquiry, the Internal Committee may, at the request of the Aggrieved Woman, take steps to settle the complaint through conciliation between the Aggrieved Woman and the Respondent. No monetary settlement shall be made as the basis of conciliation.
- ii. Where a settlement is arrived at, the Internal Committee shall record the settlement and forward it to the Employer for taking action as specified in the settlement/recommendations, in accordance with the POSH Act. The Internal Committee shall provide copies of the recorded settlement to the Aggrieved Woman and the Respondent.
- iii. The committee shall provide copies of the settlement to complainant & respondent. Where a settlement is arrived at, no further inquiry is to be conducted by the committee.

D. RESOLUTION THROUGH FORMAL INQUIRY

The committee will initiate inquiry in the following cases:

- No conciliation is requested by aggrieved woman
- Conciliation has not resulted in any settlement
- Complainant informs the committee that any term or condition of the settlement arrived through conciliation, has not been complied with by respondent.

E. PROCEDURE OF INQUIRY INTO COMPLAINT

1. Complainant should submit the complaint along with supporting documents and the names of the witnesses, if any.
2. The Committee will hold a meeting with the Complainant within seven days of receipt of the complaint.
3. At the first meeting, the Committee members shall hear the Complainant and record her allegations. After that, the Committee shall proceed with the enquiry and communicate the same to the Complainant and Respondent.
4. Upon receipt of the complaint, the Committee will send a copy of the complaint to the Respondent within 7 working days of receiving the complaint. Respondent shall reply to such complaint within 10 working days of receiving it.
5. The written explanation provided by the respondent shall also be provided to the complainant.
6. If the Complainant or the Respondent desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es that they propose to call.
7. The Committee shall call upon all witnesses mentioned by both the parties.



8. The Committee shall provide every reasonable opportunity to the Complainant and the Respondent for putting forward and defending their respective case.
9. No legal practitioner can represent any party at any stage of the inquiry procedure.
10. The Complaints Committee is to make an inquiry into the complaint in accordance with the principles of natural justice.
11. In conducting the inquiry, a minimum of three members of the Internal Committee, including the Presiding Officer, shall be present.
12. The Internal Committee shall complete the inquiry within a period of ninety days from the commencement of the inquiry, in accordance with Section 11 of the POSH Act.
13. The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.
14. Where sexual harassment occurs as a result of an act or omission by any third party or outsider, the company shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.
15. In the event, the complaint does not fall under the purview of Sexual Harassment or the complaint does not mean an offence of Sexual Harassment, the same would be dropped after recording the reasons thereof and shall also notify to the management of the Company.

F. INTERIM RELIEF

During pendency of the inquiry, on a written request made by the Aggrieved Woman, the Internal Committee may recommend to the Employer, in accordance with the POSH Act, to:

- Transfer the Aggrieved Woman or the Respondent to any other workplace; or
- Grant leave to the Aggrieved Woman for a period of up to three months, in addition to the leave she would otherwise be entitled to; or
- Prevent the Respondent from reporting on the work performance of the Aggrieved Woman or writing her confidential report and assign the same to another officer; or
- Grant such other relief as may be appropriate and permissible under applicable law.
- Once the recommendations for interim relief are implemented, the same shall be communicated to the Internal Committee.

G. TERMINATION OF INQUIRY

Committee may terminate the inquiry or give an ex-parte decision, if the complainant or respondent, respectively, is absent for 3 consecutive hearings, without any sufficient reason. Provided that fifteen days (15 days) written notice shall be given to the party, before termination of enquiry or ex-parte order.

H. COMPLAINT UNSUBSTANTIATED

Where the committee arrives at the conclusion that the allegation against the respondent has not been proved, it recommends to the employer that no action is required to be taken in this matter. Further,

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the committee ensures that both parties understand that the matter has been fully investigated, that the matter is now concluded, and that neither will be disadvantaged within the Company.

I. COMPLAINT SUBSTANTIATED

Where the committee arrives at the conclusion that the allegation against the respondent has been proved, it recommends to the employer to take necessary action for sexual harassment as misconduct, in accordance with the applicable service rules and policies, and this may include:

- (i) Counselling
- (ii) Censure or reprimand
- (iii) Apology to be tendered by the respondent
- (iv) Written warning
- (v) Withholding promotion and/or increments
- (vi) Suspension
- (vii) Termination

Or any other action that the employer may deem fit.

J. INQUIRY REPORT

On completion of the inquiry, the Internal Committee shall provide its report of findings to the Employer within a period of 10 days from the date of completion of the inquiry and such report shall be made available to the concerned parties in accordance with the POSH Act.

The Employer shall act upon the recommendations of the Internal Committee within 60 days of receipt of the recommendations, in accordance with the POSH Act and applicable service rules.

K. PENAL CONSEQUENCES OF SEXUAL HARASSMENT

Where the alleged conduct may constitute an offence under the Bharatiya Nyaya Sanhita, 2023 ("BNS") or any other applicable law, the Aggrieved Woman may approach the police or other competent authority.

Where the Aggrieved Woman chooses to initiate criminal proceedings, the Company shall provide such assistance as may be required under applicable law.

The internal inquiry under this Policy is separate from any criminal proceedings and shall not prevent the Aggrieved Woman from exercising any remedy available under applicable law.

Where applicable, offences relating to sexual harassment may be dealt with under Section 75 of the Bharatiya Nyaya Sanhita, 2023, or any other relevant provision depending upon the facts and circumstances of the case.



L. MALICIOUS ALLEGATIONS

Mere inability to substantiate a complaint or provide adequate proof shall not, by itself, attract disciplinary action against the complainant.

Where the committee arrives at the 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 making the complaint as per the service rule applicable.

M. CONFIDENTIALITY

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint, the identity and addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Complaints Committee and the action taken by the Company shall not be published, communicated or made known to the public, press or media in any manner.

N. APPEAL

Any person aggrieved by the recommendations of the Internal Committee or by the non-implementation of such recommendations may prefer an appeal in accordance with Section 18 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the applicable service rules or other applicable laws.

An appeal under Section 18 shall be preferred within ninety days from the date of the recommendations or the relevant order, as applicable.

O. AWARENESS

Awareness programme to be organised to:

- Formulate and widely disseminate an 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.
- Carry out orientation programs and seminars for the Members of the Internal Committee.
- Conduct capacity building and skill building programs for the Members of the Internal Committee.
- Declare the names and contact details of all the Members of the Internal Committee.
- Use modules developed by the State Governments to conduct workshops and awareness programs for familiarizing the employees with the provisions of the Act.

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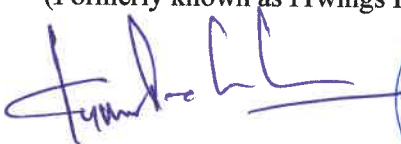
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- Display at a conspicuous place at the workplace the order constituting the Internal Committee and the penal consequences of sexual harassment, as required under applicable law.

**By and on Behalf of Board of Directors
For ITwings Infosystem Limited
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**Kumar Bachchan
Chairman & Managing Director
DIN: 07985461**

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