Policy for Prevention of Sexual Harassment at Workplace

Digamber Capfin Limited

Document Control Page

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1. Objective

We, Digamber Capfin Limited ("DCL" or "Company"), as a Company respect the dignity of all employees working for the Company irrespective of their gender or hierarchy and we expect responsible conduct and behavior on the part of all our employees at all levels but not limited to the office premises and other locations directly related to the Company's business.

The objective of this policy is to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith. 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 with includes a right to a safe environment free from sexual harassment.

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.

2. Commitment

Our Company is committed to provide a work environment that ensures every woman employee is treated with dignity and respect and afforded equitable treatment. The Company is also committed to promote a work environment that is conducive to the professional growth of its women employees and encourages equality of opportunity.

All concerned should take cognizance of the fact that DCL strongly opposes sexual harassment, and that such behavior against women is prohibited by the law as set down in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as "Act")

as well as the terms of employment. Committed of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action.

3. Scope

This policy applies to all categories of employees of the Company, including permanent, management and workmen, temporaries, trainees and employees on contract at its workplace. The Company will not tolerate sexual harassment, if engaged in by clients or by any other business associates.

The workplace includes:

(a) All offices or other premises where the Company's business is conducted;

(b) All company-related activities performed at any other site away from the

Company's premises;

(c) Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

4. Definition

(a) "Act" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, as amended from time to time;

(b) "Rule" means the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules 2013, as amended from time to time;

(c) "Employer" means head of the organisation and includes person responsible for the management, supervision and control of the workplace and the person discharging contractual obligations with respect to his or her employees;

(d) "Aggrieved Woman" means a woman of any age in relation to work place whether employed or not, who alleges to have been subject to any act of sexual harassment by the respondent.

(e) "Company" means Digamber Capfin Limited ("DCL").

(f) "Employee" means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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;

(g) "Respondent" means a person against whom the aggrieved woman has made a complaint;

(h) "Internal Committee" means the committee constituted under section 4 of the act;

(i) "Presiding Officer" means the Presiding Officer of the Internal Committee;

(j) "Member" means a Member of the Internal Committee;

(k) "Sexual Harassment" includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) such as:

(i) Physical contact and advances; or
(ii) A demand or request for sexual favors; or
(iii) Making Sexually coloured remarks; or
(iv) Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or

(v) Any other unwelcome physical, verbal or non - verbal conduct of sexual nature; or following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behavior of sexual harassment:

In addition to the instances mentioned herein above, any other acts or behavior, which outrages the modesty of a female employee, will be considered as sexual harassment.

(l) "Workplace" any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainment, industrial, health services or financial activities including production, supply, sale, distribution or service and office or branch unit. 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.

5. Prevention of Sexual Harassment

No woman shall be subjected to sexual harassment at any workplace.

The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behavior 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.

6. Internal committee

Company has constituted an Internal Committee for redressal of handling and addressing any of the complaints related to Sexual Harassment.

In accordance with the section 4(2) of the act, Internal Committee will comprise of the following:

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees;

(b) 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;

(c) 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.

(d) Provided that at least one-half of the total Members so nominated shall be women.

(e) 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.

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.

Composition of the Committee:

Sr.	Name	Designation
1.	Ms. Riddhi Sharma (Senior Manager - Compliance)	Presiding Officer
2.	Mr. Satyendra Chauhan (Head- Human Resource)	Internal Member
3.	Mr. Shashank Y. Kumar (Head - Finance & Accounts)	Internal Member
4.	Ms. Kamini Sharma (Senior Manager - Human Resource	Internal Member
5.	Ms. Charu Gupta	External Member

As per section 11(3) of the act for the purpose of making an inquiry, the Internal Committee shall have the same powers as are vested in a civil court under the Code 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 in the rules.

7. Responsibility of Internal Committee

- Investigating every formal written complaint of sexual harassment;

- Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment;
- Discouraging and preventing employment-related sexual harassment;
- The Committee shall in each calendar year prepare, in such form and at such time as may be prescribed in the rules, an annual report and submit the same to the employer.

8. Complaint Redressal Mechanism

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

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 for making the complaint in writing through e-mail or any other suitable mode;

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 or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed in the Sexual Harassment of Women at Workplace (Prevention, Prohibition and) Rules 2013 may make a complaint under this section.

9. Conciliation/Settlement

The Internal Committee may before initiate an inquiry, 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 of conciliation.

Where settlement has been arrived, the Internal Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.

The Internal Committee shall provide the copies of the settlement as recorded to the aggrieved woman and the respondent.

Where a settlement is arrived, no further inquiry shall be conducted by the Internal Committee.

10. Inquiry into Complaint

Subject to the point no 9, 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 such manner as may be prescribed in the rules.

Provided that where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at under point no 9 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 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.

11. Inquiry Report

On the completion of an inquiry, 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.

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.

Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer:

(a) 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 in the rules;

(b) 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 act;

Provide 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 for recovery of the sum as an arrear of land revenue to the concerned District Officer.

12. Punishment for False Or Malicious Complaint and False Evidence

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 sub-section (1) or sub-section (2) of section 9 of the act as the case may be, in accordance with the provisions of the service rules applicable to her or him or where no such service rules exist, in such manner as may be prescribed in the rules;

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 part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended;

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 service rules exist, in such manner as may be prescribed in the rules.

13. Determination of Compensation

For the purpose of determining the sums to be paid to the aggrieved woman 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 lump sum or in instalments.

14. Prohibition of Publication OR Making Known Contents Of Complaint And Inquiry Proceedings

Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under section 9 of the act, 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 under the provisions of the Act shall not be published, communicated or made known to the public, press and media in any manner:

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

15. Appeal

Any person aggrieved from the recommendations made 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 in the rules.

16. Awareness

(a) All the Employees, Agents and bankers shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the HR team;

(b) A brief shall be given to all existing employees regarding the features of this Policy immediately on formulation of the Policy and to new employees in DCL during their initial Induction training period.

17. Confidentiality

The Company 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.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

18. Miscellaneous

Company may make any alteration or amendment or rescind any of the clauses of this Policy as and when it finds it necessary to do so as long as it complies with the Act.

19. Conclusion

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.

The Company reiterates its commitment to providing its women employees, a workplace free from harassment/discrimination and where every employee is treated with dignity and respect.

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