

# DHOLERA

INDUSTRIAL CITY DEVELOPMENT LIMITED

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## Sexual Harassment Policy

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## 1. OBJECTIVE:

Dholera Industrial City Development Limited is committed to creating and maintaining a secure work environment for their Employees, Agents, Vendors and Partners. The motto behind that everybody can work freely together in an atmosphere that is free of harassment, exploitation and intimidation caused by acts of Sexual Harassment within but not limited to the office premises and other locations directly related to the Company's business.

The objective of this policy is to educate the employees about what conduct constitutes sexual harassment, the ways and means DICDL adopt to prevent the occurrence of any such events and to provide protection against sexual harassment of women at workplace and redressal of complaints.

The Company is also committed to promoting a work environment that is conducive to the professional growth of its employees and encourages equal opportunities for all employees.



**STOP**  
**SEXUAL HARASSMENT**

## 2. SCOPE:

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

## 3. DEFINITIONS:

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The definitions given in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act”) is a legislative act in India that seeks to protect women from sexual harassment at their place of work. It was passed by the Lok Sabha (the lower house of the Indian Parliament) on 3rd September 2012. It was passed by the Rajya Sabha (the upper house of the Indian Parliament) on 26 February 2013.

An Act 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 or incidental thereto.

(a) **“Aggrieved woman”** means—

(i) 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;

(ii) in relation to dwelling place or house, a woman of any age who is employed in such a dwelling place or house;

(b) **“Complainant”** means - (i) an aggrieved person; (ii) an aggrieved person or self and on behalf of others, in the case of more than one aggrieved person.

(c) **“Defendant”** means a person against whom a complaint is filed by a complainant

(d) **“Employer”** means the Company.

(e) **“Employee”** means a person employed at a workplace for any work on regular, temporary, adhoc 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;

- (f) **“Internal Committee”** means an Internal Complaints Committee constituted under section 4;
- (g) **“Member”** means a Member of the Internal Committee or the Local Committee, as the case may be;
- (h) **“Presiding Officer”** means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of section 4;
- (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 coloured remarks; or
  - (iv) showing pornography; or
  - (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature;
- (j) **“Workplace”** includes -
  - (i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;
  - (ii) any place visited by the employee arising out of or during the course of employment including transportation by the employer for undertaking such journey;

## 4. RESPONSIBILITIES REGARDING SEXUAL HARASSMENT:

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All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy. All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

The responsibilities and duties of the Employer are as under:

- a) Provide a safe working environment.
- b) Formulate and widely disseminate an internal policy or charter declaring prohibition, prevention and redressal of sexual harassment at the workplace.
- c) Display conspicuously at the workplace, the penal consequences of indulging in acts that may constitute sexual harassment and the composition of the ICC.
- d) Declare the names and contacts details of all members of the ICC.
- e) Organise workshops and awareness programmes at regular intervals for sensitizing employees on the issues and implications of workplace sexual harassment and organising orientation programmes for members of the ICC.
- f) Provide necessary facilities to the ICC for dealing with the complaint and conducting an inquiry.
- g) Cause to initiate under the Indian Penal Code, 1860.
- h) Provide assistance to the aggrieved woman if she so desires to file a complaint in relation to the offence under the IPC or any other law for the time being in force.
- i) Treat sexual harassment as a misconduct under the service rules and initiate action for misconduct.
- j) Prepare an annual report with details on the number of cases filed and their disposal and submit the same to the concerned authority.
- k) Monitor the timely submission of reports by the ICC.

## 5. PREVENTION OF SEXUAL HARASSMENT:

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- (1) No woman shall be subjected to sexual harassment at any workplace.
- (2) The following circumstances, among other circumstances, if it occurs, or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment: -
  - (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;
  - (v) environment for her; or
  - (vi) humiliating treatment likely to affect her health or safety.



The company has zero tolerance towards sexual harassment and the company will be responsible for ensuring a healthy work environment across all work groups/ service groups/ partners / employees and all associated DICDL stakeholders.

All persons will be strongly encouraged to immediately report any evidence of discriminatory harassment or complaints regarding discriminatory harassment made to them to the members of the Internal Complaint Committee.

## 6. INTERNAL COMPLAINTS COMMITTEE:

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A Committee has been constituted by the Management to consider and redress complaints of Sexual Harassment. The Chairman and Members of the Committee are attached at **Annexure-A**.

The Presiding Officer and every Member of the Internal Complaint Committee (ICC) shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

A quorum of 2 members is required to be present for the proceedings to take place. The quorum shall include the any two members of the committee.

In the event of any vacancy on the Internal Complaint Committee due to resignation, termination, or for any other reason whatsoever, the same shall be filled by fresh nomination in accordance with the provisions of the sexual harassment of woman at workplace (Prevention, prohibition and Redressal) Act, 2013. The composition of the ICC shall change in every 3 years.

## 7. REDRESSAL PROCESS:

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Any employee who feels he/she is being sexually harassed directly or indirectly may submit a complaint of the alleged incident to any member of the Internal Complaint Committee, in writing with his/her signature,

within 03 (three) months of occurrence of incident and in case of series of incidents within 03 (three) months from date of last incident

Provided further that the Internal Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman / men 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 may make a complaint under this section.

The Committee will maintain a register to endorse the complaint received by it and keep the contents confidential if it is so desired, except to use the same for discreet investigation.

The Committee will hold a meeting with the Complainant normally within five days of the receipt of the complaint, but in any case, not more than a week.

At the first meeting, the Committee members shall hear the Complainant and record her/his allegations. The Complainant can also submit any corroborative material with documentary proof, oral or written, etc., to substantiate her/his complaint. If the Complainant does not wish to depose personally due to embarrassment of narration of the event, a lady officer for lady employees involved and a male officer for male employees involved shall meet the complainant and record the statement.

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.

Thereafter, the person against whom a complaint is made may be called for a deposition before the Committee and an opportunity will be given to him / her to give an explanation, whereafter, where warranted, a formal Enquiry shall be conducted.

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.

In case the complaint is found to be false or frivolous, the Complainant shall, if deemed fit, be liable for appropriate disciplinary action by the Management.



## 8. ENQUIRY PROCESS:

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The Committee shall expeditiously proceed with the Enquiry and communicate the same to the Complainant and person against whom complaint is made.

The Committee shall prepare and hand over the Statement of Allegation to the person against whom complaint is made and give him / her an opportunity to submit a written Explanation, if he / she so desires, within 10 days of receipt of the same.

The Complainant shall be provided with a copy of the written explanation submitted by the person against whom complaint is made.

If the Complainant or the person against whom a complaint is made desires any witness/es to be called, they shall communicate in writing to the Committee the names of witness/es whom they propose to call.

If the Complainant desires to tender any documents or any other material by way of evidence before the Committee, she / he shall supply originals of such documents /material. Similarly, if the person against whom a complaint is made desires to tender any documents or material in evidence before the Committee he / she shall supply the originals.

The Committee shall call all the witnesses mentioned by both the parties to the enquiry.

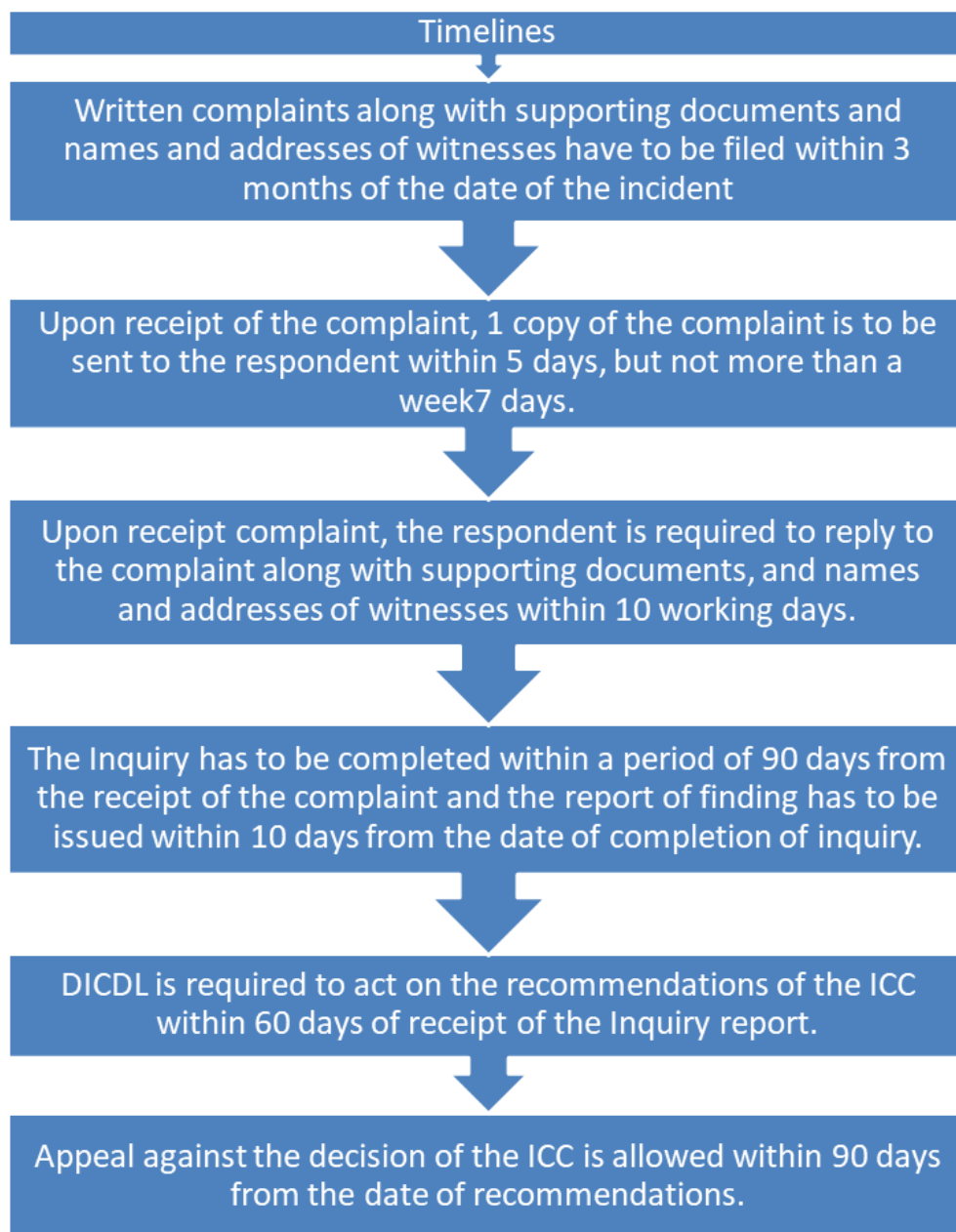
The Committee shall provide every reasonable opportunity to the Complainant and to the person against whom a complaint is made, for putting forward and defending their respective case.

For the purpose of making an inquiry, the Internal Committee shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely: -

- (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.

The Committee shall complete the enquiry within 90 days (ninty), and communicate its findings and its recommendations Report for action to the Head-HR within a period of 10 days. The report of the Committee shall be treated as an enquiry report on the basis of which an employee can be awarded appropriate punishment straightaway by the management.

The Head-HR will facilitate appropriate action within 60 days of receipt of the recommendation / finding Report of the Internal Complaint Committee.



## 9. OTHER POINTS TO BE CONSIDERED:

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The Committee may recommend to the Head-HR action which may include transfer/ grant leave to the aggrieved party or any other appropriate disciplinary relief, including termination from service.

The management shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this policy.

Where sexual harassment occurs as a result of an act of omission or commission by any third party or outsider, DICDL shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

The Internal Complaint Committee (ICC) in each calendar year, prepare and submit report giving the following details-

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

In case the Committee finds the degree of offence to be coverable under the Indian Penal Code, then this fact shall be mentioned in its report and appropriate action may be initiated by the Management for making a Police Complaint.

## 10. CONCILIATION:

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(i) Before initiating action on a complaint, the ICC on the request of the aggrieved woman, can make efforts to settle the matter between the parties through conciliation by bringing about an amicable settlement.

(ii) Conciliation is basically an informal method of resolving complaints before the complaint escalates into a fully blown formal inquiry. Thus, after a complaint of sexual harassment has been lodged, the aggrieved woman may request the ICC to resolve the matter by conciliating between the parties before commencement of the inquiry proceedings, although monetary settlement should not be made as a basis of conciliation.

- (iii) Once the settlement has been arrived at, the ICC shall record the settlement arrived at and thereafter provide copies of the settlement to the aggrieved woman as well as the respondent.
- (iv) Once a settlement has been arrived at, the ICC shall not proceed with an inquiry under the POSH Act.

## 11. APPEAL:

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- (i) Any person(s) aggrieved from the decision of ICC may prefer an appeal to the court or tribunal by notifying the employer in accordance with provisions of applicable law within a period of 90 (ninety) days of the recommendations of ICC in such manner as may be prescribed.

## 12. DETERMINATION OF COMPENSATION:

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For the purpose of determining the sums to be paid to the aggrieved woman, the Internal Committee or the Local Committee, as the case may be, 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.

## 13. PENALTIES FOR POLICY VIOLATIONS:

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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:

- Written apology;
- Warning and taking a written bond of good conduct;

- Reprimand or censure;
- Withholding of promotion till such period as mentioned;
- Withholding of pay rise or increments of pay till such period mentioned;
- 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.
- Compensation amount payment to the complainant; and
- Termination from service.

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.

## **14. CONFIDENTIALITY:**

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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 the investigatory process to the extent practicable and appropriate under the circumstances.

## **15. ACCESS TO REPORTS AND DOCUMENTS:**

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All records of complaints, including contents of meetings, results of investigations and other relevant material will be kept confidential by the Company except where disclosure is required under disciplinary or other remedial processes.

## **16. PROTECTION TO COMPLAINANT / VICTIM FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE:**

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(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, the disciplinary action shall be taken against the woman or the person who has made the complaint.

(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, the disciplinary action shall be taken against the witness.

The Company will ensure that the victim or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

## **17. CONCLUSION:**

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

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# dholera<sup>®</sup>

A NEW ERA

1. **Dr. Parul Mansata** – Presiding Officer
2. **Mr. Lekhpal Dipke** – Member
3. **Mr. Gaurang Gohil** – Member
4. **Ms. Rujul Upadhyay** – Member

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