



POLICY ON PREVENTION OF SEXUAL HARASSMENT

Ver. 1.0

[Abstract](#)

This Policy lays down comprehensive framework for prevention of sexual harassment of employees at workplace.

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1. Applicability

- 1.1 The policy pertaining to Prevention of Sexual Harassment (herein after referred to as Policy) is applicable to all men and women “employees” of **Shriram Asset Reconstruction Private Limited (hereinafter referred to as “the Company”/ “SARPL”)**. Wherever in this policy document “she” is written it means ‘he/she’. Similarly, wherever in this policy document “he” is written it means ‘she/he’. Likewise, wherever the words women employee is written, it means both men and women employees. Employee includes regular, temporary, ad hoc, daily wage employees and person who are working on voluntary basis i.e. without remuneration. The term also includes contract workers, probationers and trainees.
- 1.2 The Policy is in line with the provisions under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as SHW Act) and rules framed there under from time to time.

2. Definitions/ Abbreviations/ Authorities

In this Policy document, the words and expressions listed below shall have the following meaning:-

- 2.1. **Aggrieved Employee (AE):** Refers to any “employee” who has lodged a complaint of sexual harassment at workplace. Wherever the abbreviation AE or the words ‘aggrieved employee’ is written, it should be construed to be an aggrieved complainant.
- 2.2. **Respondent Person (RP):** The word respondent person refers to any ‘employee’ against whom the complaint of sexual harassment has been lodged by AE.
- 2.3. **Workplace:** The word workplace includes all offices and branches in India. It also includes any place visited or arising out of or during the course of employment/ work including transportation, if any, provided by SARPL for undertaking the journey.
- 2.4. **Employer:** means Managing Director/ Chief Executive Officer of SARPL.
- 2.5. **Employee:** The word “Employee” used herein is to be strictly interpreted in terms of and provisions of the SHW Act. However, in this context of SARPL, it would mean employees of both genders. Thus, for the purpose of this policy, the term “employee” means a person on the rolls of SARPL; and this would also include persons who are temporary or a part time or honorary employees and would include persons engaged on a causal basis or for project-based assignments and/or persons who are engaged through third-party service providers and all employees employed on contract with SARPL. This broad definition of an ‘Employee’ used for the purpose of this policy cannot be used to claim rights of an employee conferred by any other law of the land.
- 2.6. **Sexual Harassment:** The definition of sexual harassment will be defined in section 2(n) of SHW Act as represented below:
 - 2.6.1. **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:
 - Physical contact and advances; or
 - A demand or request for sexual favors; or

- Making sexually colored remarks; or
- Showing pornography; or
- Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

2.6.2. The following circumstances, along with other circumstances, if it occurs, or is present, in relation to or connected with any act or behavior of sexual harassment (as defined and enumerated in clause 2.5.1) will also amount to sexual harassment:

- Implied or explicit threat of detrimental treatment in employment; or
- Implied or explicit threat about her present or future employment status; or
- Interference with her work or creating an intimidating or offensive or hostile work environment for her; or
- Humiliating treatment likely to affect her health and safety.

2.6.3. The scope of sexual harassment also includes “Third Party Harassment”. Third party Harassment where sexual harassment occurs by a third party (not an employee of the organization) - for example a client, a vendor or any other person that the employee is interacting with for work purposes. In this case the employer and the person in charge will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

2.7. **Appropriate Authority:** This would mean the following Internal Complaints Committee (ICC) known as PSHC (defined hereunder) which is being constituted under this policy. This committee shall work independently on all complaints referred under this Policy.

2.7.1. **SARPL Prevention of Sexual Harassment Committee** (hereinafter referred to as PSHC/ Committee): The PSHC is a forum constituted by the Managing Director/ Chief Executive Officer (CEO) of SARPL. The PSHC would be headed by a senior women employee who is on the rolls of SARPL and would be designated as the “Chairperson” of the PSHC or the Internal Complaints Committee (under the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal)) Act, 2013. PSHC shall further have not less than 2 members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge. At least ½ of the total number of members shall be women.

2.7.2. The broad criteria for selection of women employees to be a part of the PSHC will as follows:

- She should have a high level of credibility within the organization.
- She should display high levels of engagement and organizational awareness.
- She should be approachable, honest, trustworthy and forthright.
- She should be able to put forth her point of view without getting intimidated.

2.7.3. **External Committee Member (hereinafter referred to as ECM):** Besides the above, an external nominee would be appointed as a member of the PSHC, who would be either from a non-governmental organization or associations committed to the cause of women or a person familiar with Labor, Services, Civil or Criminal IAE. The ECM would be nominated by the Managing Director/ CEO of SARPL.

2.7.4. Criteria for Selection of EMC to be part of the PSHC will be the following:-

- The NGO / external body should be familiar and well-versed will sexual harassment.
- The NGO / external body should have a high level of credibility and not be one which is funded by SARPL to avoid conflict of interest.
- There should be no conflict of interest, whatsoever, with the selected ECM.
- The ECM so appointed shall be entitled to remuneration (including the cost for travel),

which will be decided by the Managing Director/ CEO of the Company.

2.8. Tenure of PSHC

- 2.8.1. Every member of the PSHC shall hold office for a period not exceeding three years, from the date of their nomination.
- 2.8.2. After 3 years of functioning, 1/3rd of the members of the committee will retire to help maintain continuity and bring fresh and unbiased perspectives.
- 2.8.3. The requirement of retirement shall not be applicable to Head of HR function. The retirement rule shall also not apply to the Chairperson (senior women employee) of Committee, in case there is no successor.

3. Functioning of PSHC

PSHC will investigate any Sexual Harassment complaint raised by any Employee of SARPL.

4. Procedure for filing a Complaint

- 4.1. In the event of occurrence of circumstances under this Policy, the AE can lodge a complaint to the Appropriate Authority through an electronic mail. At the time of filing the complaint, AE shall submit to the PSHC supporting documents and names and addresses of witnesses, if any. If the supporting documents cannot be sent as an attachment to the mail, then the AE can keep such documents till such time PSHC seeks the same from her. The details of the e mail id where the electronic mail can be sent are in **Annexure 3** of the Policy document.
- 4.2. The AE can also lodge a complaint to the Appropriate Authority in writing with all supporting documents if any. The details of the address where the complaint can be sent through postal mail are given in **Annexure 3** of the Policy document.
- 4.3. The complaint should be made by AE within a period of three months from the date of occurrence of the incident and in case of a series of incidents, within a period of three months from the date of the last incident. The PSHC may, for the reasons to be recorded in writing, extend the time limit for making a complaint by three months, if they are satisfied that the circumstances were such which prevented the AE from filing a complaint within the said period
- 4.4. In case the AE wants to send a written complaint letter then she / he can send the same addressed to the Managing Director, SARPL at the following address:

Shriram Asset Reconstruction Private Limited,
FF05, Art Guild House, Near Phoenix Marketcity,
Kurla West, Mumbai 400070
- 4.5. In case the complainant does not wish to disclose his/her identity, he/she can address a letter to the head of the organization (i.e. The Managing Director of SARPL), and hand over the written complaint either in person or send it in a sealed envelope. The Managing Director will then retain the original complaint and send a gist of the complaint (along the relevant materials and details) to the PSHC, ensuring that the name/identity of the complainant is not revealed.
- 4.6. If the AE is unable to make the complaint on account of physical incapability, the complaint can be filed by the AE's relative, or friend, or 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 AE.

- 4.7. If the AE is unable to make a complaint on account of mental incapacity, a complaint may be filed by the AE's relative or friend or a special educator or a qualified psychiatrist or psychologist or the guardian or authority under whose care the AE is receiving treatment or care or any person who has knowledge of the incident jointly with the AE's relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care the AE is receiving treatment or care.
- 4.8. If the AE 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 AE's written consent.
- 4.9. If the AE is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of the AE's legal heir.
- 4.10. Any party not satisfied or further aggrieved by the implementation or non-implementation of recommendations made, may appeal to the appellate authority in accordance with the SHW Act and rules, within 90 days of the recommendations being communicated.

5. Process to be followed by the PSHC on the receipt of Complaint.

- 5.1. On receipt of the complaint, the PSHC would initiate preliminary enquiry to evaluate if there is a prima facie case or not.
- 5.2. The PSHC will work towards ensuring that the investigation is completed by following the principles of natural justice within 3 weeks of the complaint being reported. If the investigation cannot be completed within 3 weeks, then the committee needs to have very valid reasons for the same. The same needs to be communicated to the Chairperson of the PSHC and to the Managing Director.
- 5.3. The PSHC shall keep in mind that the AE is not subject to inquiry more than once. However, if the case complexity requires that the AE must be called for more than once for inquiry, then utmost sensitivity should be displayed, and adequate protection should be taken to ensure that there is no loss of dignity to the AE.
- 5.4. Under no circumstances, the committee would reveal / disclose the identity of the "RP" to anyone else (including the immediate manager) - other than all those who are required to know about the case.
- 5.5. Post establishing a prima facie case, the PSHC will seek explanation in writing from RP after providing him the copy of the complaint.
- 5.6. During investigation, if the committee concludes that the complaint is not a genuine one and the complainant has sent the complaint with malicious intent, the Committee will decide on suitable reprimand as per this Policy.
- 5.7. Action could also be recommended against employees who abetted the misconduct knowingly. Written warning would also be issued to employees who were "in the know", but did not highlight the same.
- 5.8. Post receipt of the reply from RP, the PSHC may, before initiating an inquiry provide an opportunity

to the AE and the RP, through conciliation, provided that no monetary settlement shall be made as a basis of conciliation. Provided that, the conciliation shall be considered only with the consent of the AE, duly taken on record.

- 5.9. If the conciliation fails, or if AE or RP insist for enquiry, then the PSHC will initiate a detailed inquiry and submit the inquiry report to the Head of HR along with its recommendations.
- 5.10. If the RP is found guilty and the investigation is completed, the PSHC will recommend the quantum of punishment to be given. While deciding on this, the committee will be considering the following:
 - Severity of the misconduct
 - Past compliance record of the employee
 - Past precedence of treating similar violations
- 5.11. The PSHC will forward the report to the Head of HR. The Head of HR will then discuss the report with Managing Director on the recommended punishment and implement the same within 15 days of receiving the same from the PSHC. While implementing the order, the management will ensure that the name of the employee/s is kept confidential at all times.
- 5.12. The Head of HR will send a closure report of the case after the punishment has been implemented by the respective management team. The template for the closure report given in **Annexure 1**.
- 5.13. The Head of HR will send a quarterly update, comprising the status of the complaints received to the Audit Committee of the Board. The template for the quarterly updates is given in **Annexure 2**.

6. Guidelines for Conciliation

- 6.1. Where a settlement has been arrived during conciliation, the PSHC shall record the settlement so arrived and keep the Head of HR and the Managing Director appropriately informed.
- 6.2. No further enquiry shall be conducted by the PSHC post conciliation.
- 6.3. However, if the terms arrived during conciliation has not been complied with by the RP, the PSHC shall proceed to make an inquiry into the complaint or, as the case maybe, forward the complaint to the police.
- 6.4. The copies of the settlement as recorded during conciliation shall be provided to both the parties.

7. Other Guidelines

- 7.1. The PSHC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the AE or RP fails (as the case may be) to be present for three (3) consecutive hearings without giving a sufficient cause. The PSHC before passing such a decision must give a notice in writing of fifteen (15) days in advance to the concerned parties (RP or AE).
- 7.2. During the pendency of an inquiry, on a written request by the AE, the PSHC may recommend any one of the following:
 - Transfer the AE/RP to any other branch or location or department; or
 - Grant leave to the AE on a case-to-case basis but not exceeding three (3) months. This leave would be over and above the normal eligibility of the AE as per her Privilege Leave entitlement;

or

- Grant any other relief to AE, which the PSHC may feel necessary.

- 7.3. Where the PSHC arrives at a conclusion that the allegation against the RP is malicious or the AE has made the complaint knowing it to be false or the AE has produced forged or misleading documents, it may recommend to the Head of HR to act against the AE in accordance with guidelines given in Code of Conduct Policy of SARPL. Merely an inability to substantiate a complaint or provide adequate proof need not attract action against the AE.
- 7.4. No party shall be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the PSHC.
- 7.5. Where the PSHC arrives at the conclusion that during the inquiry any witness has given false evidence or produced any forged or misleading documents, it may recommend to the Head of HR to take suitable action

8. Process and Guidelines for Cases where the RP is not on rolls of SARPL.

- 8.1. About disciplinary actions against an RP who is not on rolls of SARPL but is a partner to SARPL for legitimate business interest and has been accused by AE and subsequently found guilty, the PSHC would direct the Head of HR to officially instruct the organization / institution to which RP belongs to initiate action. In case there is no action coming forth from the organization / institution to which the RP is affiliated then PSHC will direct the Head of HR of SARPL to initiate action under the Bharatiya Nyaya Sanhita or any other applicable laws for the time being in force.
- 8.2. In cases where the RP is an independent consultant or person and is not affiliated to any organization / institution the PSHC will direct the Head of HR to initiate action under the Bharatiya Nyaya Sanhita or any other applicable laws for the time being in force.
- 8.3. In cases of a situation, where the AE is reporting to the RP then, till the final decision is taken, the PSHC will direct the HR team to ensure that the RP has no say either in the performance appraisal rating of the AE or reviewing the work of the AE on a day-to-day basis. The rating in such a case shall be done by the 2nd level supervisor of the RP in consultation with the HR.
- 8.4. Records and documents on sexual harassment will be stored for a minimum of five years from the date of commencement of the complaint, irrespective of the fact, whether the AE/RP are in the job or have moved on from the organization.

9. Awareness

- 9.1. All the Employees shall have access to this Policy at any given point of time and clarifications, if any, related to this Policy shall be addressed by the HR team.
- 9.2. A brief shall be given to all existing Employees regarding the features of this Policy immediately upon formulation of the Policy and to the new employees during their initial induction.
- 9.3. SARPL shall comply with all other details as set out in Section 19 of SHW Act to ensure that all Employees are provided with safe working environment at the workplace.
- 9.4. SARPL shall display the notice showing the name of PSHC/ ICC members at its every establishment at

a conspicuous place, both in English and Hindi and at its branches in English, Hindi and local language.

10. Miscellaneous

The PSHC/ ICC shall prepare an annual report in each calendar year with the following details and shall submit the same to Employer and District Officer notified under section 5 of the SHW Act:

- i. Number of complaints of sexual harassment received during the year;
- ii. Number of complaints disposed off during the year;
- iii. Number of cases pending for more than 90 days;
- iv. Nature of action taken by the employer;
- v. Number of workshops or awareness programme against sexual harassment carried out.

Annexures

Annexure 1: Format of Closure Report Closure report to be sent by the Head of HR to the Managing Director

Case No	
Name of the AE	
Business	
Unit	
Name of RP[Please state the name of the employee, designation, name of unit / business and email id]	
Date of receiving the complaint Complaint in brief (as forwarded by the employee) not more than 50 words	
When did the investigation commence [Please mention the date]	
When did the investigation get completed [Please mention the date]	
Level of the Investigation Committee and names of the members	
Have the charges against the RP been proved	
Date of the punishment order	
Describe the punishment order in brief	
When was the punishment order implemented?	

Signature of Head of HR

Annexure 2: Format of Closure Report

Sl. No.	Instances	Sexual Harassment	Values / Code of Conduct Violation	Total
1	No. of the cases received in the Quarter			
2	No. Of cases carried forward from the Quarter Which were not closed			
3	Total No. Of Open Cases for the quarter			
4	No. of cases for the Quarter			
5	No. Of cases carried forward from the Quarter which have been closed			
6	Total cases closed for the quarter			
7	Total cases not closed at the end of the quarter			

Annexure 3: SARPL – Prevention of Sexual Harassment Committee

Category	Name	Committee Designation	Email ID
ICC/ PSHC	S. Jayalakshmi	Chairperson	jayalakshmi.s@shriram.com
	Ashish Kumar Singh	Member	ashish.singh@shriramarc.com
	P.M. Vatsala	Member	vatsala.p@shriramarc.com
		Member	
		Special Invitee	
		External Member	

Mailing Address

Shriram Asset Reconstruction Private Limited
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Phoenix Market City, L B S Marg, Kurla (West), Mumbai – 400070.