

MAN INFRA CONSTRUCTION LIMITED

POLICY FOR PREVENTION OF SEXUAL HARASSMENT



Introduction:

Sexual Harassment can occur in any situation, but is especially common in situations where there is a power imbalance between the perpetrator and the victim, due to gender, sexual orientation and status or rank differences.

Sexual Harassment, however, can also occur between peers. Both women and men can be victims of Sexual Harassment, although it is most common for women to be harassed by men. Sexual Harassment also occurs between members of the same sex. All references to a particular gender in this Policy shall in the context include reference to the other gender.

Sexual Harassment differs from healthy sexual attraction because it is unwelcome and unsolicited. Sexual conduct becomes unlawful only when it is unwelcome and unsolicited. The challenged conduct must be unwelcome in the sense that the victim did not solicit it or that the victim regarded the conduct as undesirable or offensive.

A single sexual advance could also constitute Sexual Harassment if it amounts to a demand or request for sexual favours. The unwelcome, intentional touching of a victim's intimate body areas is sufficiently offensive and even a single instance of such act can be considered as Sexual Harassment.

Asking someone for a date is generally not considered as Sexual Harassment. But a repetitive series of such incidents shall be considered Sexual Harassment if the offender was told to stop. It is important for the victim to communicate that the conduct is unwelcome, particularly when the alleged harasser may have some reason to believe that the advance may be welcomed, such as a previous consenting relationship.

On the other hand, a woman who was previously involved in a mutual consenting intimate relationship with a man maintains her entitlement to protection from Sexual Harassment, but she should inform the man that any further sexual advances are unwelcome.

Man Infra is committed to creating an ambience in which its employees can work together free from Sexual Harassment. Man Infra has zero tolerance to Sexual Harassment. In reiteration and furtherance of that principal and objective, Man Infra has formulated this Policy for Prevention of Sexual Harassment.

Man Infra endeavors to provide a safe working environment at its offices and at construction sites including safety from persons with whom the employees may come into contact at such places. Any employee of Man Infra who violates this Policy will suffer appropriate disciplinary action as per the findings of the Complaint investigation. If the investigation reveals that the Sexual Harassment has indeed occurred, the harasser shall be suitably disciplined.

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Conversely, anyone making a false or frivolous claim of Sexual Harassment shall also be subject to disciplinary action in accordance with the provisions of the Act.

Man Infra also wishes to reassure through this Policy that any employee of Man Infra who brings a Sexual Harassment Complaint or assists in investigation of such a Complaint shall not be adversely affected in terms and conditions of employment or other engagement discriminated against or discharged because of the Complaint. All such Complaints shall be promptly and thoroughly investigated.

1. SHORT TITLE, EXTENT AND COMMENCEMENT

This Policy shall be called the Policy for Prevention of Sexual Harassment in Man Infra and shall come into effect from October 1, 2013. It extends to all employees of Man Infra and, amongst others, to third persons associated with Man Infra.

2. DEFINITIONS

(1) “Accused” shall mean any employee and/ or a third person associated with Man Infra, rendering services to Man Infra, a client of Man Infra or any person present on the premises of the Man Infra or at offices and construction sites including transportation provided by Man Infra for undertaking such journey or any person with whom a employee may come into contact in the course of employment or other engagement, who is accused of Sexual Harassment.

(2) “Act” shall mean the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, including any statutory amendment or re-enactment thereof.

(3) “Appellate Authority” shall mean the appellate authority notified under clause (a) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946.

(4) “Complaint” shall mean a written complaint filed by a Complainant on account of Sexual Harassment.

(5) “Complaints Committee” shall mean the Internal Complaints Committee nominated by the management of Man Infra in accordance with the provisions of the Act to investigate all Complaints related to Sexual Harassment received from Complainants.

(6) “Complainant” shall mean a woman employee of Man Infra who has been subject to any incident of Sexual Harassment and/ or has filed a Complaint of Sexual Harassment with the Complaints Committee.

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(7) **"Employee"** shall mean any person on the rolls of Man Infra to whom this Policy is applicable including temporary, part time, employee by whatever name called and would include employees employed on a casual or project basis and also employed through a contractor.

Notwithstanding anything contained elsewhere in this Policy, it is clarified that the above definition of the term "Employee" is intended solely for the purposes of this Policy and will not, under any circumstance, entitle a person covered under the above definition to claim the status of an employee of Man Infra for any other purpose and/or under any other law.

(8) **"Enquiry"** shall mean the enquiry instituted by the Complaints Committee to investigate a Complaint of Sexual Harassment

(9) **"Company"** or **"Man Infra"** shall mean Man Infraconstruction Limited having its registered office at 12th Floor, Krushal Commercial Complex, G. M. Road, Chembur (W), Mumbai- 400 089 including following:

Man Projects Limited;
Manaj Infraconstruction Limited;
Man Aaradhya Infraconstruction Limited;
Manaj Tollway Private Limited;
Man Realtors and Holdings Private Limited;
AM Realtors Private Limited;
Man Chandak Developers Private Limited; and
Manmantra Infracon LLP

and such other Companies/ LLPs forming part of MAN Group from time to time and all construction sites of such Companies/LLPs.

(10) **"Policy"** shall mean this policy notified by the management as Man Infra's Policy for Prevention of Sexual Harassment.

(11) **"Special Educator"** shall mean a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

(12) **"Sexual Harassment"** shall include but not be confined to any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

- physical contact and advances; or
- a demand or request for sexual favours; or
- making sexually coloured remarks; or
- showing pornography; or
- any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

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Further, the following circumstances, amongst 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:-

- implied or explicit promise of preferential treatment to the victim as a Member; or
- implied or explicit threat of detrimental treatment to the victim as a Member; or
- implied or explicit threat about present or future status of the victim in the Firm; or
- interference with work or creating an intimidating or offensive or hostile work environment for the victim; or
- subjecting the victim to humiliating treatment likely to affect the victim's physical or mental health or safety.

(13) "Working Day" shall mean and include any of the 5 (five) days beginning on Monday and ending on Friday but shall not include any such day which coincides with a holiday observed by Man Infra and applicable to the Complainant and/ or the Accused, as the case may be.

3. SCOPE OF THE POLICY

This Policy shall be applicable to all allegations of Sexual Harassment by a Complainant against an Accused, if the Sexual Harassment is alleged to have taken place at Man Infra or at places visited by Members in connection with work of the Company including transportation provided by Man Infra for undertaking such journey.

4. THE COMPLAINTS COMMITTEE

1. CONSTITUTION OF COMPLAINTS COMMITTEE

(a) A Complaints Committee shall be constituted by the management for office and construction sites of the Company to address all Complaints of Sexual Harassment and to deal with all cases of alleged Sexual Harassment and to otherwise implement this Policy.

(b) The Complaints Committee shall consist of 4 (four) members to be nominated by the management in accordance with the provisions of the Act. The management may at their discretion change the constitution of the Complaints Committee, remove a member(s) and reappoint new member(s) in accordance with the provisions of the Act.

(c) Any member of the Complaints Committee appointed in his/her capacity as an Employee shall cease to be a member of the Complaints Committee on ceasing to be an Employee for any reason whatsoever.

(d) At least 50% (fifty percent) of the members of the Complaints Committee shall be women.

(e) The presiding officer of the Complaints Committee shall be a senior level woman Employee of Man Infra.

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(f) The legal and other consequences of Sexual Harassment and the written order constituting the Complaints Committee will be displayed at each office of the Company at a prominent place.

(g) The names and contact details of all the Members of the Complaints Committee are available at the Construction Sites of the Man Infra.

2. POWERS AND DUTIES OF THE COMPLAINTS COMMITTEE

(a) The powers and duties of the Complaints Committee shall be as follows, namely:

(i) To process Complaints of Sexual Harassment and to take suitable action in the manner and mode particularly provided hereafter.

(ii) To do all such acts and things as may be necessary to carry out the objects of the Policy and comply with provisions of the Act.

(b) For carrying out its duties under this Policy, the Complaints 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:-

- summoning and enforcing the attendance of any person and examining him on oath;
- requiring the discovery and production of documents; and
- any other matter which may be prescribed under the Act.

3. GRIEVANCE PROCEDURE

(a) Any Complainant may lodge a written Complaint against an Accused with any of the member/s of the Complaints Committee. If the Complainant is unable to make the Complaint in writing, the presiding officer or any member of the Complaints Committee shall render all reasonable assistance to the Complainant for making the Complaint in writing.

(b) Where a Complainant is unable to lodge a Complaint on account of her physical incapacity, a Complaint may be lodged by:-

- her relative or friend; or
- her co-worker; or
- an officer of the National Commission for Women or the State Women's Commission; or
- any person who has knowledge of the incident of Sexual Harassment faced by the Complainant, with the written consent of the Complainant.

(c) Where a Complainant is unable to lodge a Complaint on account of her mental incapacity, a Complaint may be lodged by:-

- her relative or friend; or
- a Special Educator; or
- a qualified psychiatrist or psychologist; or
- the guardian or authority under whose care the Complainant is receiving treatment or care; or

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- any person who has knowledge of the incident of Sexual Harassment faced by the Complainant, jointly with her relative or friend or a Special Educator or qualified psychiatrist or psychologist or guardian or authority under whose care the Complainant is receiving treatment or care.
- (d) Where a Complainant is unable to lodge a Complaint for any reason, other than on account of her physical or mental incapacity, a Complaint may be lodged by any person who has knowledge of the incident of Sexual Harassment faced by the Complainant, with the written consent of the Complainant.
- (e) Where a Complainant is dead, a Complaint may be lodged by any person who has knowledge of the incident of Sexual Harassment faced by the Complainant, with the written consent of the legal heirs of the Complainant.
- (f) Such Complaint should be preferred within a period of 3 (three) months from the date of occurrence of the incident of Sexual Harassment and in case of a series of such incidents, within a period of 3 (three) months from the date of the last incident. The Complaints Committee may, for reasons to be recorded in writing, extend the time limit for filing of Complaint for a further period of 3 (three) months if it is satisfied that circumstances existed which prevented the victim from filing the Complaint with the prescribed time period.
- (g) At the time of lodging of the Complaint, the Complainant or the other person(s) specified hereinabove, shall submit 6 (six) copies of the Complaint along with supporting documents and the names and addresses of the witnesses.
- (h) During the pendency of the Enquiry, the Complaints Committee shall, at the written request of the Complainant, recommend to the management to:-
- relocate the Complainant or the Accused within the Firm; or
 - grant to the Complainant leave for up to 3 (three) months; or
 - restrain the Accused from reporting on the work performance of the Complainant or writing her appraisal report and assign such tasks to another Member.
- (i) Within 5 (five) working days from the date of receipt of the Complaint, the Complaints Committee shall hold a meeting of which advance intimation shall be given to the Complainant.
- (j) At this first meeting of the Complaints Committee, the Complainant shall be heard and his/her statement recorded and duly signed. The Complaints Committee shall decide whether the Complaint requires to be proceeded with. The Complaint shall be dropped only if the Complaint prima facie does not disclose Sexual Harassment.
- (k) In case the Complaints Committee decides at its first meeting to proceed with the Complaint, it shall send a copy of the Complaint received by it along with supporting documents and the names and addresses of the witnesses to the Accused within the next 5 (five) working days.
- (l) The Accused shall be given an opportunity to file his reply to the Complaint with the Complaints Committee within a period of 10 (ten) working days from the date of receipt by him of the Complaint along with supporting documents and the names and addresses of the witnesses.

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(m) Post submission of his/her reply to the Complaint, the Accused shall be called to a meeting of the Complaints Committee and shall be provided an opportunity to give an explanation. The Complaint Committee may, before initiating an Enquiry and at the written request of the Complainant, take steps to settle the matter between the Complainant and the Accused through conciliation. However, no monetary settlement shall be made as a basis of such conciliation.

(n) If a settlement has been arrived at between the Complainant and the Accused, the Complaints Committee shall (i) record the settlement so arrived; (ii) forward the same to the management to take action as specified in its recommendation; (iii) provide a copy of the settlement so recorded to the Complainant and the Accused; and (iv) not conduct an Enquiry into the Complaint.

(o) If no settlement is reached between the Complainant and the Accused and the Accused is a employee then, the Complaints Committee shall proceed to make an Enquiry into the Complaint in accordance with the principles of natural justice and this Policy.

(p) If no settlement is reached between the Complainant and the Accused and the Accused is not an employee then, the Complaints Committee shall if the Complainant so requests in writing forward the Complaint to the police.

(q) If the Complainant informs the Complaints Committee in writing that any term or condition of the settlement reached with the Accused has not been complied with by the Accused, the Complaints Committee shall, after determining that the Accused has indeed violated or not-complied with any term or condition of the settlement, proceed to make an Enquiry into the Complaint in accordance with the principles of natural justice and this Policy in case the Accused is a Member or if the Complainant so requests in writing, forward the Complaint to the police in case the Accused is not a Member.

4. PROCEDURE FOR ENQUIRY

(a) The Complaints Committee shall meet to conduct the Enquiry at a venue and time as may be decided by it and communicate the same to the Accused and the Complainant.

(b) In conducting the Enquiry, a minimum of 3 (three) members of the Complaints Committee, including the presiding officer, shall be present.

(c) The Complaints Committee shall record all the proceedings of the Enquiry and both parties shall endorse the same in token of authenticity thereof and the Complainant and the Accused be given copies of such proceedings.

(d) The Complainant and the Accused shall both appear in person and defend themselves and cannot be represented by a legal practitioner at any stage of the proceedings before the Complaints Committee.

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(e) If the Complainant desires to tender any documents by way of evidence before the Complaints Committee, she shall supply true copies of such documents to the Accused. Similarly if the Accused desires to tender any documents in evidence before the Complaints Committee he shall supply true copies of such documents to the Complainant.

(f) The Complainant and the Accused shall have the right to lead evidence and the right to cross-examine witnesses of the other party as the case may be.

(g) Sufficient opportunities shall be given to examine all witnesses notified by both parties.

(h) The Complainant or the Accused, as the case may be, shall submit their further explanation to the Complaints Committee within such period as may be laid down by the Complaints Committee.

(i) The Complaints Committee shall complete the Enquiry within a period of 90 (ninety) days and submit a report of its findings to the management along with recommended action for the Accused, if found guilty, no later than 10 (ten) days from the date of completion of the Enquiry and also, make such Enquiry report available to the concerned parties.

(j) The Complaints Committee shall have the right to terminate the Enquiry proceedings or to give an ex-parte order on the Complaint, if the Complainant or the Accused fails, without sufficient cause, to present herself or himself for 3 (three) consecutive hearings convened by the presiding officer of the Complaints Committee. However, such termination or ex-parte order shall not be passed without giving a 15 (fifteen) days' prior notice in writing to the Complainant or the Accused, as the case may be.

(k) The management shall provide all necessary assistance for the purpose of ensuring full effective and speedy implementation of this Policy in accordance with the provisions of the Act.

5. PUNITIVE ACTION TO BE TAKEN FOR SEXUAL HARASSMENT

(a) If the Complaints Committee arrives at the conclusion that the allegation against the Accused has been proved, it shall recommend to the management to:-

- take action against the Accused for Sexual Harassment as a misconduct in accordance with the provisions of para (c) below; and
- deduct from the salary of the Accused or other amount payable to the Accused by Man Infra such sum as it considers appropriate to be paid to the Complainant or her legal heirs as determined by it.

For the purpose of determining the sums to be paid to the Complainant, the Complaints Committee shall have regard to:-

- the mental trauma, pain, suffering and emotional distress caused to the Complainant;
- the loss in the career opportunity due to the incident of Sexual Harassment;

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- the medical expenses incurred by the Complainant for physical or psychiatric treatment;
- the income and financial status of the Accused; and
- the feasibility of such payment in lump sum or in installments.

(b) The management shall act upon the recommendation of the Complaints Committee as contained in the Enquiry report within a period of 60 (sixty) days from the date of its receipt.

(c) The Complaints Committee shall recommend to the management to take, amongst others, any of the following actions against an Accused found guilty of Sexual Harassment:

- require such employee to submit a written apology to the Complainant; or
- require such employee to undergo a counselling session or carry out community service;
- issue a written warning, reprimand or censure to such employee; or
- withhold the promotion of such employee; or
- withhold any pay rise or increment of such employee; or
- terminate the employment or other engagement of the employee without any notice or notice pay/other notice period payment.

(d) If based on the Enquiry report of the Complaints Committee, the management is unable to make any deduction from the salary or any other amount payable to the Accused by Man Infra due to his being absent from duty or cessation of employment/other engagement, the management may direct the Accused to pay such sum to the Complainant. If the management informs the Complaints Committee that the Accused has failed to pay such sum to the Complainant, the Complaints Committee may forward the order for recovery of the sum to the concerned District Officer as an arrear of land revenue.

(e) If the Complaints Committee arrives at a conclusion that the allegation against the Accused is malicious or the Complainant has made the Complaint knowing it to be false or has produced any forged or misleading document, it may recommend to the management to take, amongst others, any of the following actions against the Complainant:

- require the Complainant to submit a written apology to the Accused; or
- require the Complainant to undergo a counselling session or carry out community service;
- issue a written warning, reprimand or censure to such Complainant; or
- withhold the promotion of such Complainant; or
- withhold any pay rise or increment of such Complainant; or
- terminate the employment or other engagement of such Complainant with Man Infra without any notice or notice pay/or other notice period payment.

It is clarified that a mere inability to substantiate a Complaint or provide adequate proof shall not attract such action against a Complainant. Further, the malicious intent on part of the Complainant shall be established after an Enquiry before any such action is recommended.

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(f) If the Complaints Committee arrives at a conclusion that during the Enquiry any witness has given false evidence or produced any forged or misleading document, it may direct the management to take action against the witness in accordance with the provisions of the Act.

5. PROVISIONS FOR APPEAL

Any person aggrieved with the recommendations of the Complaints Committee as contained in the Enquiry report or the non-implementation of such recommendations, may prefer an appeal to the Appellate Authority within a period of 90 (ninety) days from the date of the recommendations.

6. CONFIDENTIALITY

The contents of the Complaint, the identity and address of the Complainant, Accused and witnesses, any information relating to conciliation and Enquiry proceedings, recommendations of the Complaints Committee and the action taken by the management under this Policy, shall not be published, communicated or made known to the public, press or media in any manner; subject to disclosure of information as required under applicable Act and the Rules made thereunder from time to time. But information may be disseminated regarding the justice secured to any Complainant by the management without disclosing the name, address, identity or any other particulars which may lead to the identification of the Complainant and/or the witnesses.

If any person entrusted with the duty to handle or deal with the Complaint, Enquiry or any recommendation or action to be taken under the Act, contravenes the foregoing provision, the management shall be entitled to recover a sum of Rs.5000/- (Rupees Five Thousand Only) as penalty from such person.

7. OVERRIDING EFFECT

Notwithstanding anything stated elsewhere in this Policy, this Policy shall be subject to the provisions of the Act.

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INTERNAL COMPLAINTS COMMITTEE ON PREVENTION OF SEXUAL HARASSMENT

Sr. No.	Particulars of Members	Designation
1.	Ms. Lakshmi Ramnathan 12th Floor, Krushal Commercial Complex, G. M. Road, Chembur (W), Mumbai- 400 089 Tel: +91 22 42463999 Email id: Lakshmi@maninfra.com	Presiding Officer
2.	Ms. Vandana Desai 12th Floor, Krushal Commercial Complex, G. M. Road, Chembur (W), Mumbai- 400 089 Tel: +91 22 42463999 Email id: vanduvandy@gmail.com	Member
3.	Mr. Mukesh M. Sheth 12th Floor, Krushal Commercial Complex, G. M. Road, Chembur (W), Mumbai- 400 089 Tel: +91 22 42463999 Email id: mukesh@maninfra.com	Member
4.	Mr. Vinay Kamat 12th Floor, Krushal Commercial Complex, G. M. Road, Chembur (W), Mumbai- 400 089 Tel: +91 22 42463999 Email id: vkamat@maninfra.com	Member
5.	Mr. Suresh Balan 12th Floor, Krushal Commercial Complex, G. M. Road, Chembur (W), Mumbai- 400 089 Tel: +91 22 42463999 Email id: sbalan@maninfra.com	Member
6.	Ms. Neha Thaker 12th Floor, Krushal Commercial Complex, G. M. Road, Chembur (W), Mumbai- 400 089 Tel: +91 22 42463999 Email id: neha@maninfra.com	Member