

CMS INFO SYSTEMS LIMITED POLICY ON PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE

1. PREFACE

CMS Info Systems Limited (“**CMS**”) is committed to provide a safe and respectful work environment to its employees free from sexual harassment which enables them to work without fear of prejudice, harassment or any form of intimidation or exploitation. The company also believes that all employees have the right to be treated with dignity.

CMS does not support any form of discrimination of individuals on the basis of race, color, gender, age, national origin, religion, caste, sexual orientation, marital status, citizenship and disability.

Any act or actions of Sexual Harassment at Workplace is strictly prohibited. Sexual Harassment to a person (man/ woman) results in violation of the fundamental rights of equality under articles of the Constitution of India and the right to life and to live with dignity and the right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment which is free from Sexual Harassment.

CMS treats Sexual Harassment as gross misconduct under the service rules and other applicable laws and action will be initiated appropriately for such misconduct. It is necessary for employees to deal with their colleagues and third parties with full fairness, respect and dignity and realize that his/ her behavior will be attributed to the company and can affect its reputation. Currently India has a specific Legislation dealing with Sexual Harassment and a new act called “The Sexual Harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013 “and its rules are in force.

2. PURPOSE

To provide Protection and Prevention against Sexual Harassment at Workplace and for redressal of complaints of Sexual Harassment and for matters connected therewith or incidental thereto.

3. SCOPE

This Policy covers every “**Employee**” (as defined later in this policy) across the Company. CMS encourages every Employee who believes he/ she is sexually harassed, to use the redressal mechanism as provided in this policy.

The Policy is with respect to Prevention, Prohibition & Redressal of Sexual Harassment which may arise in places not limited to geographical location viz. Company’s offices / branches but includes all such places or locations where acts are conducted in context of working relationships or whilst fulfilling professional duties or which may be visited by an employee during the course of employment including transportation provided by the company for undertaking such visits. CMS’s Policy against sexual harassment includes sexual harassment by fellow employees, supervisors, managers as well as agents, contractors, customers, vendors, partners and visitors including outsourced employees. Sexual harassment is judged by the impact on the complainant and not the intent of the Respondent. Sexual harassment as addressed in this Policy need not necessarily be from a male to a female employee, it can be vice versa as well as between individuals of same gender.

This policy will come into force with immediate effect from the date of its adoption by the Board of Directors of the Company, and shall substitute all previous policies prevailing in the Company in this regards.

4. DEFINITIONS

4.1. Aggrieved person means a person (man or woman) in relation to workplace of any age whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the respondent.

4.2. Company or Employer means CMS Info Systems Limited which shall include it's all regional/ territory/ branch and other offices.

4.3. Complainant means any Aggrieved Person and if the Aggrieved person is unable to make a complaint on account of his/ her physical or mental incapacity or death or otherwise the relative or friend or coworker, and any other person who have knowledge of the incident (making with the written consent of the Aggrieved Person) who makes a complaint alleging Sexual Harassment under this Policy.

4.4. Employee means a person employed at the workplace for any work on regular, temporary, ad hoc 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;

4.5. Internal Complaints Committee ("ICC") means a committee constituted by Company as per this policy; including the sub-committee constituted for its various branch/ regional/ territory offices also.

4.6. Respondent means a person against whom the Aggrieved Person has made a complaint.

4.7. Workplace includes

(a) Any private sector organization or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organization unit or service provider carrying on commercial, professional, industrial or financial activities including production, supply, sale distribution or service.

(b) 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. KEY CONCEPTS SEXUAL HARASSMENT

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

- a. Physical contact and advances; or
- b. A demand or request for sexual favors; or
- c. Making sexually colored remarks; or
- d. Showing pornography or other offensive or derogatory pictures, cartoons, representations, graphics, pamphlets or sayings; or
- e. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature

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:

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- a. implied or explicit promise of preferential treatment in the employment; or
- b. implied or explicit threat of detrimental treatment in the employment; or
- c. implied or explicit threat about present or future employment status of Aggrieved person:
or
- d. interference with work or creating an intimidating or offensive or hostile work environment of Aggrieved person; or
- e. Humiliating treatment likely to affect her health or safety of Aggrieved person.

6. THE INTERNAL COMPLAINTS COMMITTEE ("ICC")

Internal Complaints Committee is constituted pursuant to the provisions of "The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" and rules made thereunder, for addressing Sexual Harassment Complaints made by Aggrieved person.

Every complaint received shall be forwarded to ICC formed under the policy for redressal, who shall carry out the investigation which presently comprises of the following members as specified by the Employer:

- a. A woman employee employed at a senior level at Head office of Company who shall act as Presiding officer of the committee.
- b. Not less than 2 members from employees preferably committed to the cause of women OR who have had experience in social work OR have legal knowledge.
- c. One member from Non-governmental organizations OR associations committed to the cause of women OR a person familiar with the issues relating to sexual harassment.

The Name of the Members of the Internal Complaints Committee is mentioned in **Annexure A** of this Policy and any change in such composition shall be effected in the policy.

At least half the total members of the Committee shall be women. The Presiding Officer and every member shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the Employer.

7. IF YOU ARE HARASSED/ COMPLAINTS PROCESS

- 7.1. Aggrieved person may make, in writing (preferably in six copies), a complaint of sexual harassment at workplace to the Chairperson of the committee along with supporting documents and details of witnesses (“if any”), providing details of the sexual harassment meted out to her/ him within a period of 3 months from the date of incident and in case of a series of incidents, within a period of 3 months from the date of last incident.

Provided that, if the ICC feels that there such circumstances exist, which prevent the Aggrieved person to file the complaint within the said period, the ICC may for the reasons to be recorded in writing extend the time limit for a further period of 3 months. ICC on receipt of such written complaint, may, if require ask the Aggrieved person to furnish additional information about the alleged harassment.

- 7.2. The Presiding officer or any Member of the ICC shall render reasonable assistance to the Aggrieved person for making complaint in writing, in case they are unable to do so.
- 7.3. On receipt of complaint, the ICC shall decide the place and time for hearing the complaint and shall intimate the date, time and place of hearing to the Complainant and Respondent. The ICC shall follow principle of Natural Justice while handling such complaints. Enquiry under this policy will be preferably held at the location of the Complainant.

Once the Aggrieved person makes a complaint, it is necessary for the complainant to keep the information about and substance of the complaint “Strictly Confidential”. However this will not restrict or prohibit the other legal recourse available to the Aggrieved person under the applicable laws.

- 7.4. If an Aggrieved person is unable to make a complaint on account of physical incapacity, a complaint may be filed by –
- a. his/ her relative or friend; or
 - b. her/ her co-worker; or
 - c. an officer of the National Commission for women or State Women’s Commission; or
 - d. any person who has knowledge of the incident, with written consent of the Aggrieved person
- 7.5. If the Aggrieved person is unable to make a complaint on account of mental incapacity, a complaint may be filed by –
- a. his/ her relative or friend; or
 - b. a special educator; or
 - c. a qualified psychiatrist or psychologist; or
 - d. the guardian or authority under whose care he/ she is receiving treatment or care; or
 - e. any person who has knowledge of the incident jointly with any of the above persons.

- 7.6. If the Aggrieved person 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 prior written consent of the Aggrieved person.
- 7.7. If the Aggrieved person is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of their legal heir.
- 7.8. Internal Complaints Committee on receipt of such written complaint, may, if require ask the aggrieved person to furnish additional information about the alleged harassment.

8. CONCILIATION PROCEEDINGS

- 8.1 The ICC may, before initiating an inquiry and at the specific request of the Aggrieved person, shall take steps to settle the matter between the parties through conciliation, provided no monetary settlement shall be made as a basis of conciliation.
- 8.2 Where there is a settlement arrived, ICC shall record the settlement and forward the same to HR/ Employer, to take action as specified in the recommendation. Copies of the settlement will be given to the Aggrieved person and the Respondent. ICC shall not conduct any further inquiry in this case.
- 8.3 If the Aggrieved Person informs the ICC, that any term of condition of the settlement arrived has not been complied with by the Respondent, it shall proceed to make an inquiry into the complaint including forward the complaint to the police as the case may be. If the Aggrieved person informs the ICC about non-compliance of the settlement by the Respondent, it shall proceed to making an inquiry into the complaint.
- 8.4 Both the Complainant and the alleged Respondent initially will be questioned separately with a view to ascertain the veracity of their contentions.

9. HANDLING THE COMPLAINT/ REDRESSAL

- 9.1 On receipt of complaint, the ICC shall send one copy of Complaint received by it from the Aggrieved person to the Respondent preferably within seven (7) working days from the date of receipt of complaint. The Respondent shall file his/her reply to the ICC along with his/her supporting documents and details of witnesses preferably within Ten (10) working days of receipt of the complaint documents from the ICC. Thereafter the ICC shall make inquiry in to the complaint following the principle of Natural Justice. Enquiry under this policy will be preferably held at the location of the Complainant, and during any inquiry minimum three members of the ICC including the Presiding officer must be present.
- 9.2 The ICC 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. In addition, the ICC shall if the Aggrieved person so desires and if prima facie case exists, assist and forward the complaint to the police, for registering the case under section 509 or other applicable provisions of the Indian Penal Code.

- 9.3 The ICC shall while trying a suit be possess with the power of a civil court, in respect of:
- a. summoning and enforcing the attendance of any person and examining him under oath;
 - b. requiring discovery and production of documents;
 - c. any other prescribed matter.
- 9.4 Where both the parties are employees, the parties shall, during the course of enquiry, 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.
- 9.5 The parties shall not be allowed to bring in any legal practitioner to represent them in their case at any stage of the proceedings before the Internal Complaints Committee.
- 9.6 ICC shall have the right to terminate the inquiry or to give ex-parte decision if the Complainant failed without sufficient cause to present himself/ herself before the ICC for the consecutive three hearings, provided the presiding officer has served at least 15 days' prior written notice in this regard to the party concerned with sufficient proof of notice dispatch.
- 9.7 During the Pendency of an Inquiry, on a written request made by Aggrieved person, the ICC may at its sole discretion may recommend to the Employer the following:
- a. Transfer the Aggrieved person the Respondent to any other workplace or department.
 - b. Restrain the Respondent from reporting on work performance of the Aggrieved person or writing her confidential report and assign the same to another manager.
 - c. Grant leave to the Aggrieved person up to a period of three months. The leave granted here shall be in addition to the leave which the Aggrieved person would be entitled otherwise.
- 9.8 The ICC will make such a recommendation after considering the necessity for taking such an action; if a prima facie case of Sexual Harassment exists; and if the medical condition of the Aggrieved person so requires, as certified by competent medical authority. It will also depend upon the extent of damage it can cause and looking at severity of the incidence.
- 9.9 Once the Aggrieved person makes a complaint it is necessary to keep the information about the complaint like contents of the complaint, identity and address of the Aggrieved person, Respondent and witnesses and any information relating to the conciliation and inquiry proceeding, recommendation of the ICC and action taken by the Employer thereupon strictly confidential and not to allow to publish or communicated to press/ public/ media in any manner except as provided in the respective law".

10 ENQUIRY REPORT

- 10.1 The ICC shall complete the inquiry preferably within ninety (90) days and shall within 10 days of completing the inquiry submit a detailed report to the Employer, with its recommendations along with following details:

- a. Background
 - b. Documented testimony of the Complainant and the Respondent
 - c. Evidences gathered/recorded
 - d. Findings of the Inquiry
 - e. Recommendation
- 10.2 The ICC, if after completing an inquiry arrives at the conclusion that the allegation against the Respondent has not been proved, it shall recommend to the Employer no action to be taken in the matter.
- 10.3 If the ICC arrives at the conclusion that the allegations against the Respondent has been proved it shall recommend to the Employer:
- a. to take action for Sexual Harassment as misconduct as per service rules applicable to the Respondent; and / or
 - b. to take any action of written apology, warning, reprimand, withholding of promotion, withholding of pay rise or increments, terminating the Respondent from service or undergoing a counselling session or carrying out community service; and / or
 - c. to deduct from the Respondent's salary or wages appropriate amount to be paid to the Aggrieved person or his legal heirs as prescribed under the law.
- 10.4 If the Employer is unable to deduct the salary due to absence from duty or cessation of employment of Respondent, it may direct to the Respondent to pay such sum to the Aggrieved person. In case the Respondent fails to pay the sum to the Aggrieved person within a reasonable time as may be determined by the ICC, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.
- 10.5 Upon receipt of the report, the Employer will review the report and determine what action need to be taken keeping in mind the recommendations of the ICC. The Employer shall act upon the recommendations within sixty (60) days of receipt of such recommendation.
- 10.6 The decision of the Employer in this regard shall be final and be informed to the Complainant and the Respondent and the ICC accordingly.
- 10.7 Notwithstanding anything contained in the Right to Information Act 2005, the contents of the complaint made, identity, addresses of the Aggrieved Woman, Respondent and witnesses, any information relating to conciliation and inquiry proceeding, recommendations of the Internal Complaints Committee shall not be published, communicated or made known to the public.

11 AWARENESS:

- 11.1 All the Employees, Agents, Customers, Vendors, Partners and Visitors shall have access to this Policy at any given point of time and clarification related to this Policy shall be addressed by the ICC.

- 11.2 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 at the time of their initial Induction.
- 11.3 The Company shall comply with all other details as set out under Section 19 of the Act to ensure that all employees are provided with the safe working environment at the workplace.
- 11.4 Company shall display the notice showing the name & contact details of jurisdictional committee of the ICC at respective establishment at a conspicuous place.

12. DUTIES OF EMPLOYER

The Employer shall:

- 12.1 provide a safe working environment at the workplace including the safety for the person coming on to the contact of the workplace.
- 12.2 display at conspicuous place at the workplace the penal consequences of the sexual harassment and the order constituting ICC;
- 12.3 organize workshop and awareness programs at regular intervals for sensitizing the employees and orientation programs for the members of the ICC;
- 12.4 provide necessary facilities to the members of the ICC for dealing with the complaint and conducting an inquiry;
- 12.5 assist in attendance of the Respondent and witness before the ICC;
- 12.6 to make available the necessary and reasonable information to the ICC as may be require by them to dealt with a complaint filed under this policy;
- 12.7 to provide the Complainant during and after the filing / resolution of complaint, the appropriate social and working liberty/ security and reasonable protection against any probable harassment quoting his/ her complaint, so as to fulfil his/ her official duties even after resolution of the complaint with peaceful mind.
- 12.8 treat sexual harassment as misconduct under the Service Rules; 12.9 monitor timely submission of reports by the ICC.

13. FALSE OR MALICIOUS COMPLAINTS

- 13.1 Where the ICC after conducting of inquiry comes to that conclusion, that the complaint was made with a malicious intent or the Aggrieved Person or the Complainant has made the complaint knowing it to be false and/ or have produced forged or misleading documents with the motive of maligning the Respondent's image in the company, the ICC will recommend to the Employer to take penal action against such false or malicious Complainant/ person / employee including a written apology, warning, reprimand, withholding of promotion, withholding of pay rise, terminating the Respondent from service or undergoing a counselling session or carrying out community service.
- 13.2 During the inquiry mere inability to substantiate a complaint or provide adequate proof shall not be concluded as filing of false/ malicious complaint.

13.3 If in case the ICC 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 to take any action including a written apology, warning, reprimand, withholding of promotion, withholding of pay rise, terminating the person from service or undergoing a counselling session or carrying our community service.

14. DETERMINATION OF COMPENSATION

The ICC shall consider the following factors while determining and recommending the amount of compensation to be payable by the Respondent to the Aggrieved person: -

- a. Mental trauma, pain and emotional distress caused to the Aggrieved person;
- b. Loss of career in opportunity due to incident of Sexual Harassment;
- c. Medical treatment cost borne by the Aggrieved person for physical or psychiatric treatment;
- d. Income and financial status of the Complainant;
- e. Feasibility of such payment in lump sum or in instalments.

15. PROTECTION AGAINST RETALIATION

15.1 The Company prohibits retaliation of any sort regardless of the outcome of the complaint against a person who has reported a concern, brought a complaint, cooperated in the inquiry of a complaint, or because a person is closely associated with an individual who has raised a complaint.

15.2 The organization while dealing with complaints of Sexual Harassment shall ensure that the Complainant or the witness are not victimized or discriminated against by the Respondent. The Complainant should report any unwarranted pressures, retaliatory or any other type of unethical behavior from the Respondent while the investigation is in progress to the Internal Complaints Committee or to the organization as soon as possible. Management will take disciplinary action against the Respondent if the complaint of retaliation made is found to be genuine.

16. APPEAL

16.1 Any person aggrieved from the recommendation made by the ICC under this policy or non-implementation of such recommendations may prefer an appeal to the court or tribunal within ninety (90) days from such recommendations, in accordance with the provisions of the service rules applicable to the said person.

17. MISCELLANEOUS:

17.1 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. Any such alterations or amendment or rescinding will be intimated to the employee.

17.2 Nothing contained in these rules shall operate in derogation of any law for the time being in force or to the prejudice of any right of any employee under any other Rules or Law.

- 17.3 The ICC shall prepare an annual report on financial year (Year) basis with the following details and shall submit the same to the Company preferably within 30 days of end of the respective financial year, for inclusion by the Company in its Annual report:
- a. Number of complaints of sexual harassment received during the Year;
 - b. Number of complaints disposed off during the Year;
 - c. Number of cases pending for more than 90 days;
 - d. Number of workshops or awareness program against sexual harassment carried out;
 - e. Nature of action taken by the Employer.
- 17.4 The Chief Executive Officer (“CEO”) of the Company shall be eligible to make any changes in the composition and constitution of the ICC including appointment/ removal/ replacement of presiding officer or the NGO representative, as and when it finds necessary to do so in the interest of the company, as long as it complies with the Act. Provided that in case the CEO himself is an party to any such compliant or is an interested party, the authority under this clause shall vest with Board only.

****Annexure A**

Classification of Zone for the committee on PAN India Basis

1	West	All offices situated in Western part of India including Maharashtra, Gujarat, Goa, Mumbai Corporate Office in Belapur , Goregaon & Mahape
2	East	All offices situated within the Eastern part of India including the state of Jharkhand, Bihar, West Bengal, Chhattisgarh, Orissa and Uttar Pradesh.
3	North	All offices situated within the Northern part India including those situated within the state of Rajasthan, Himachal Pradesh, Punjab & Madhya Pradesh
4	South	All offices situated within the Southern part of India comprising the state of Andhra Pradesh, Telangana, Karnataka, Tamilnadu, Kerala and Pondicherry
5	Central	Union Territory of Delhi, Chandigarh & the state of Haryana

***Composition of Internal Complaints Committee:**

Sr No	West	East	North	South	Central
1	Subhadra Dwivedi	Subhadra Dwivedi	Subhadra Dwivedi	Subhadra Dwivedi	Subhadra Dwivedi
2	Ruchira Thakre	Ruchira Thakre	Ruchira Thakre	Ruchira Thakre	Ruchira Thakre
3	Shibu Krishnan	Shibu Krishnan	Shibu Krishnan	Shibu Krishnan	Shibu Krishnan
4	Gokul Singh (Ahmedabad)	DiptiPrakash Pradhan (Bubeneshwar)	Aushdhish Kumar (Delhi)	Sangeetha Umopathy (Chennai)	Subodh Pathak (Bhopal)
5	Mumtaz Junedi (Pune)	Debashis Guha (Kolkata)	Sushma Pandey (New Delhi)	Shanthi Laxmi (Bengaluru)	Col Rajiv Singh (Lucknow)
6	External Member -NGO Representative	External Member -NGO Representative	External Member -NGO Representative	External Member -NGO Representative	Charuta Shinde (Head Office)
7					External Member -NGO Representative

- Ms Subhadra Dwivedi shall be designated as the presiding officer for the committee w.e.f 19th Dec2025
- Adv. Sana Hakim Khan (External Member- a Non-Government Organization (NGO) representative is appointed w.e.f 18 Sept. 2018.
- Members, whose location is not mentioned, belong from Mumbai

Date Approved

Approved & adopted by the Board of Directors of the Company in its meeting held on 25th day of September 2018 at Mumbai

For and on behalf of CMS Info Systems Limited

sd/-

Rajiv Kaul

Director

DIN: 02581313

Place: Mumbai,

Date: 25-09-2018

Version History:

Version 1: Policy announced on 1st January 2014

Version 2: Amendment done on 27th July 2016

Version 3: Amendment done on 11th July, 2017

Version 4: Amendment done on 25th September, 2018 Version

5: Amendment done on 9th December, 2019 Version Version 6:

Amendment done on 1st Jul,21

Version 7: Amendment done on 13Apr26

**classification of zone and composition of ICC amended and approved by the Board of Directors of the Company at their meeting held on September 25, 2018*