



HERO FUTURE ENERGIES PVT. LTD

## PREVENTION, PROHIBITION AND REDRESSAL OF SEXUAL HARASSMENT AT WORKPLACE

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REVISION HISTORY

S. No.	Clause	Brief description of change	Rev No.
6	20.0	Reconstitution of Internal Committee Members	Sixth
5	1.1 & 1.1.1 8.0	Gender Neutrality Inclusion This policy strictly bars Senior Management and Leadership team for developing relationship in Organization	Fifth
4	8.0 9.2.4 12.1	Internal Compliance Committee renamed to Internal Committee Definition of Internal Committee Removed "contact numbers" Removed "excluding the period spent in the process of conciliation, if at all"	Forth
3	3.2	Added the clause - "This policy and ICC Committee is applicable to all employees.....".	Third
2	20.0	Change in constitution of ICC (Internal Complaints Committee)	Second
1	8.0	Sexual Harassment Definition - However HFE requires that....	First

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**1.0 OBJECTIVE**

- 1.1 At the outset it is stated that the express commitment of Hero Future Energies Pvt. Ltd.'s (HFE's) is that any form of sexual harassment or sex/ gender based discrimination, regardless of the sex/gender of the recipient of such behaviour or the perpetrator of such behaviour, is prohibited in the HFE workplace.
- 1.1.1 This Policy provides for protection against sexual harassment at the HFE workplace and to ensure prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto and confirms HFE's specific and express commitment to comply with the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, **2013** ("Act") and to promote a workplace free of sexual harassment for all its employees.
- 1.1.2 Sexual harassment of women at the workplace is unlawful and amounts to misconduct under this Policy as well as the HFE Code of Conduct. All complaints made by aggrieved women to the Internal Committee of HFE in the manner provided herein and pursuant to the Act shall be addressed and dealt with in accordance with the law and this Policy. The provisions of the HFE Grievance Procedure shall not be applicable to the same except where specifically provided for.
- 1.1.3 **In the event that any person not protected by the Act wishes to complain against any form of harassment, sexual harassment or sex based discrimination, such person may complain in accordance with the HFE Grievance Procedure.**

**2.0 GUIDING PRINCIPLE OF THE POLICY**

- 2.1 HFE commits to create and maintain a work environment in which the dignity of employees is respected. The Company is committed towards providing a healthy work environment that enables its employees to work without fear of prejudice, gender bias and sexual harassment. The victims, if any, should not feel that their grievances were either ignored or trivialized or they suffer from fear of reprisals. Following are the guidelines which can assist in achieving these ends:
- 2.1.1 All employees of the Organization have a responsibility to prevent or deter the commission of acts of sexual harassment in the workplace (defined herein below). Management and employees shall play a role in creating and maintaining a working environment in which sexual harassment is unacceptable. They shall ensure that their conduct does not cause offense to others and they shall discourage unacceptable behaviour on the part of others. It is also the duty of the aggrieved woman employee to complain against sexual harassment in a timely manner in accordance with the procedure provided herein and also preserve the confidentiality of their communications in this regard at all times.
- 2.1.2 Management shall respond promptly to complaints of sexual harassment made in the manner provided herein, through the Internal Committee constituted hereunder. Where it is determined, that inappropriate conduct has occurred, prompt and corrective action will be taken as necessary, including disciplinary action in accordance with the process laid down under this Policy.
- 2.1.3 The Management shall provide full support to the Internal Complaints Committees and provide necessary facilities for dealing with the complaint and conducting its inquiry.
- 2.1.4 The Policy shall be governed by the provisions of the relevant Act and Rules made there under.

**3.0 APPLICABILITY**

- 3.1 This Policy is applicable to all employees of the Organization in India. For the purposes of this Policy, such



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employment can be of any nature and cover persons who are employed on regular, temporary, ad-hoc, daily wage basis or as a co-worker, contract worker, probationer, trainee or apprentice. It also covers persons employed through contractors/agents, consultants or any other service provider or even persons working on a voluntary basis or without any remuneration.

3.2 This policy and IC is applicable to all employees of HFE, its Holdcos /SPV's and affiliate Companies.

#### 4.0 JURISDICTION

4.1 This Policy applies to all conduct in the Workplace of HFE. The 'Workplace' includes:

4.1.1 All offices and premises of HFE where its business is conducted; and

4.1.2 Any place or premises visited by an employee of HFE in discharge of the duties towards the organization, or where the employee is present in a work related context or in professional capacity, including training programmes, conferences, off-site meetings & events, work related functions, office parties, business or filed trips organized by HFE, and includes places visited when conducting the business of the Organization, in interaction with clients, customers, and other service providers and also includes transportation provided by the Organization for undertaking such journey.

4.2 Under this Policy, complaints can be made to the relevant IC by any "aggrieved woman" i.e., a woman of any age, whether employed or not with the Organization, who alleges that she has been subjected to sexual harassment by the alleged perpetrator who is an employee of the Organization at the time the alleged incident of sexual harassment occurred or where the alleged incident has taken place at the HFE Workplace.

#### 5.0 RESPONSIBILITY AND AUTHORITY

5.1 Each employee is responsible for reading, understanding and following this Policy.

5.2 Approval, renewal and change in this Policy is the responsibility of HR, under approval of the CEO and MD.

5.3 Monitoring and implementation of this Policy is the responsibility of the Internal Committee and all the HODs.

#### 6.0 REFERENCE

6.1 HR Departmental Manual – HFE/HR01

#### 7.0 EFFECTIVE DATE

7.1 Revised version of this Policy comes into force w.e.f. **30<sup>th</sup> August 2021** and will be valid till next Revision is announced.

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## 8.o DEFINITIONS

Aggrieved woman	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;
Internal Committee	Committee to deal with the cases of sexual harassment and oversee prevention of sexual harassment
Special Educator	a person trained in communication with people with special needs in a way that addresses their individual differences and needs

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Sexual harassment	<p>Anyone or more of the following unwelcome behavior (whether directly or by implication) namely:</p> <ol style="list-style-type: none"> <li>1. Unwelcome physical contact and advances; or</li> <li>2. A demand or request for sexual favours; or</li> <li>3. Making sexually colored remarks; or</li> <li>4. Showing pornography; or</li> <li>5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.</li> <li>6. Any act or conduct of a person in authority or otherwise, which outrages the modesty or dignity of the aggrieved woman or is humiliating treatment likely to affect her health or safety and /or create a hostile and/or intimidating work environment or;</li> <li>7. Any conduct of an unwelcome sexual nature, which has the purpose or effect of unreasonably interfering with the aggrieved woman's work performance</li> </ol> <p><b><u>What Does Not Amount to Sexual Harassment:</u></b></p> <p>If the interactions between the individuals are consensual, welcome, appreciated and/or reciprocated, it does not amount to sexual harassment. Any welcome behaviour that is based on mutual attraction, respect and/or friendship is not sexual harassment.</p> <p>However, HFE requires that any romantic relationships between co-workers, who are in any manner in senior/subordinate to each other in the Workplace, should be voluntarily disclosed at the first possible instance to the concerned HR representative. The onus of such disclosure shall lie upon the person who is professionally senior amongst the persons in the relationship. Such disclosures should usually be made with the knowledge of the other party and the Organization reserves the right to confirm the veracity of such disclosure from such other party. All such disclosures shall be held in the strictest of confidence and shall only be disclosed to the IC for the purposes of an ongoing inquiry, if and when called upon. HFE under this Policy strictly bars senior management (HODs and functional heads) from developing relationship of a romantic nature with any HFE employee.</p>
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## 9.0 INTERNAL COMPLAINTS COMMITTEE

9.1 HFE hereby constitutes Internal Committee (IC) for all offices across India – that will prevail in all offices pursuant to the Act to ensure prevention and redressal of all sexual harassment complaints.

9.2 Pursuant to the mandatory requirements of the Act, the IC consists of the following members provided that at least half of the total members shall be Women:-

9.2.1 a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the





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- employees:
- 9.2.2 not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;
- 9.2.3 one external member who may be a lawyer or from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.
- 9.2.4 HFE shall at all times, notify via the intranet/display of notices, names of the members who constitute the Internal Committee, along with their email addresses. Any changes in the membership of the ICCs shall be duly notified.
- 9.2.5 In the event that the merits of a particular case require additional caution or consideration, in the interest of a fair, objective and unbiased inquiry, HFE may appoint "Special Members" to replace any or all of the members appointed to the Committees as above. Any such change in membership, or special appointments, shall be duly notified to all parties in advance.
- 9.3 **The Presiding Officer and every Member of the Internal Committee shall hold Office for such period, not exceeding three years, from the date of their nomination. Information on Internal Complaints Committee is enclosed at HFE/HR17/F1.**
- 9.4 **COMMITTEE TO SUBMIT ANNUAL REPORT**
- 9.4.1 The Internal Committee shall in each calendar year prepare an annual report in the prescribed format and submit the same to the employer and/or the District Officer, where required. Format is enclosed at **HFE/HR17/F2.**
- 9.4.2 The Company shall include in its report the number of cases filed, if any, and their disposal under this Act in the annual report of the Organization.
- 9.5 **POWERS OF INTERNAL COMMITTEE**
- 9.5.1 For the purpose of making an inquiry, the Internal Committee, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, **1908** when trying a suit in respect of the following matters, namely:--
- 9.5.1.1 Summoning and enforcing the attendance of any person and examining him on oath;
- 9.5.1.2 Requiring the discovery and production of documents; and
- 9.5.1.3 Any other matter which may be prescribed.
- 9.6 The inquiry shall be completed within a period of ninety days.
- 10.0 **COMPLAINT OF SEXUAL HARASSMENT**
- 10.1 **PROCEDURE FOR FILING THE COMPLAINT**
- 10.1.1 Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:
- 10.1.1.1 Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee, shall render all reasonable assistance to the woman for making the complaint in writing:
- 10.1.1.2 Provided further that the Internal Committee, for the reasons to be recorded in writing, extend the time



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limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

- 10.1.1.3 Where the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed by:
- her friend or relative; or
  - her co-worker; or
  - an Officer of the National Commission for Women or State's Women's Commission or
  - any person who has knowledge of the incident, with the written consent of the aggrieved woman
- 10.1.1.4 where the aggrieved woman is unable to make a complaint on account on her mental incapacity, a complaint may be filed by:
- her relative or friend; or
  - a special educator; or
  - a qualified psychiatrist or psychologist; or
  - the guardian or authority under whose care she is receiving treatment or care; or
  - any person who has knowledge of the incident jointly with her relative or friend or a special educator or qualified psychiatrist or psychologist, or guardian or authority under whose care she is receiving treatment or care
- 10.1.1.5 where the aggrieved woman 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 her written consent;
- 10.1.1.6 where the aggrieved woman is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of her legal heir .
- 10.2 **CONCILIATION**
- 10.2.1 The Internal Committee, may, before initiating an inquiry, at the request of the aggrieved woman take steps to settle the matter between her and the respondent through conciliation provided that no monetary settlement shall be made as a basis of conciliation.
- 10.2.2 Where a settlement has been arrived as per Clause **10.2.1**, the Internal Committee, shall record the settlement so arrived and forward the same to the Employer to take action as specified in the recommendation.
- 10.2.3 The Internal Committee shall provide the copies of the settlement as recorded under Clause **10.2.1** to the aggrieved woman and the respondent.
- 10.2.4 Where a settlement is arrived as per Clause **10.2.1**, no further inquiry shall be conducted by the Internal Committee.
- 10.3 **INQUIRY INTO COMPLAINT**
- 10.3.1 On receipt of a request for inquiry, the Internal Committee may proceed to make inquiry into the complaint in accordance with the prescribed procedure.
- 10.3.2 Provided that where the aggrieved woman informs the Internal Committee that any term or condition of the settlement arrived at as per Clause **10.2.1** has not been complied with by the respondent, the



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Internal Committee shall proceed to make an inquiry into the complaint or, as the case may be, forward the complaint to the police:

- 10.3.3 Provided further that where both the parties are employees, the parties shall, during the course of inquiry, be given an opportunity of being heard and a copy of the findings shall be made available to both the parties enabling them to make representation against the findings before the Committee.

#### 11.0 ACTIONS DURING PENDENCY OF INQUIRY:

- 11.1 During the pendency of an inquiry, on a written request made by the aggrieved woman, the Internal Committee may recommend to the management of HFE to-
- 11.1.1 transfer the aggrieved woman or the respondent to any other workplace; or
- 11.1.2 grant leave to the aggrieved woman up to a period of three months; or
- 11.1.3 grant such other relief to the aggrieved woman as may be prescribed.
- 11.1.4 The leave granted to the aggrieved woman under this section shall be in addition to the leave she would be otherwise entitled.
- 11.2 On the recommendation of Internal Committee, the management of HFE shall implement the recommendations made under Clause 12.1 and send the report of such implementation to the Internal Committee.
- 11.3 **Other relief to complainant during pendency of inquiry** -The Complaints Committee at the written request of the aggrieved woman may recommend to the employer to-
- 11.3.1 restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report, and assign the same to another Officer;

#### 12.0 INQUIRY REPORT

- 12.1 The ICC shall complete an inquiry within **90** days from the date of receipt of complaint . On completion of an inquiry under this Act, the Internal Committee shall provide a report of its findings to the management of HFE within a period of **10** days from the date of completion of the inquiry and such report be made available to the concerned parties.
- 12.2 Where the Internal Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the management of HFE that no action is required to be taken in the matter.
- 12.3 Where the Internal Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the management of HFE:
- 12.3.1 to take action for sexual harassment as a misconduct in accordance with the provisions of the Code of Conduct (Section 12). Proceedings conducted under the provisions of this Policy, shall be taken as disciplinary proceedings/inquiry proceedings and any action recommended by the ICC would be as per and pursuant to the Code of Conduct and shall be proportionate to the misconduct committed. No separate inquiries shall be required under the Code of Conduct for the purpose of arriving at disciplinary action.

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- 12.3.2 to deduct from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or to her legal heirs, as it may determine, in accordance with the provisions of the Act.
- 12.3.3 Provided that in case the management of HFE is unable to make such deduction from the salary of the respondent due to his being absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:
- 12.3.4 Provided further that in case the respondent fails to pay the sum referred to in Clause **12.3.2**, the Organization shall inform the ICC and the Internal Committee may forward the order for recovery of the sum as an arrear of land revenue to the District Officer.
- 12.3.5 The management of HFE shall act as soon as practicable upon the recommendations of the ICC within sixty days of its receipt by him.

**13.0 PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE**

- 13.1 This policy has been put in place to ensure redressal of complaints against sexual harassment. It is understood that an aggrieved women's mere inability to substantiate a complaint, or provide adequate proof, will not automatically cause her complaint to be perceived in the wrong light. However, where the Internal Complaints 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 or any witness has produced any forged or misleading document or given false evidence with malicious intent, it may recommend to the management of HFE, to take action against the woman or the person who has made the complaint or the witness under the Code of Conduct where the said person is an employee of HFE and in other cases, as the Organization deems fit and proper .
- 13.1.1 Provided that mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant under this section:
- 13.1.2 Provided further that the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed under the Code of Conduct, before any action is recommended.

**14.0 PROHIBITION OF PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS**

- 14.1 Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made pursuant to this Policy, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee and the action taken by the employer or the District Officer under the provisions of this Act shall not be published, communicated or made known to the public, press and media in any manner.
- 14.2 Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment under this Act without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

**15.0 CONFIDENTIALITY**



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- 15.1. Once a complaint in writing has been received by the Internal Complaints Committee it will be kept in strict confidence. Throughout the process of Inquiry Proceedings confidentiality will be maintained to the extent practicable and possible under the circumstances. No details of the identity of the aggrieved woman, details of the complaint, Inquiry Proceedings and findings/recommendations shall be released to any public, press or media.
- 15.2. It is the duty of all the parties concerned i.e. the aggrieved woman, alleged perpetrator and/ or any of the witnesses to maintain utmost secrecy and confidentiality in respect of the identity of the aggrieved woman, details of the complaint, Inquiry Proceedings and findings/ recommendations and action taken by the Organization. No details shall be released by any of the employees to any public press or media and in case of breach of this confidentiality clause, the Organization shall take appropriate action under the provisions of the Code of Conduct **HFE/HR06 Clause 8.5** Information without particulars, specifically with regard to the identity of the parties involved, may be used by the Organization where required for authorised purpose.
- 16.0 PENALTY FOR PUBLICATION OR MAKING KNOWN CONTENTS OF COMPLAINT AND INQUIRY PROCEEDINGS**
- 16.1 Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken under the provisions of this Act, contravenes the provisions of Clause **14** or **15**, he/she shall be liable for penalty of **Rs.5,000/-** (rupees five thousand) to the Employer.
- 17.0 APPEAL**
- 17.1 Any person aggrieved from the recommendations made under Clause **12.2, 12.3 or 13.1** or non-implementation of such recommendations may prefer an appeal in writing to the appellate body prescribed in the Grievance Procedure of **HFE - HFE/HR16** (Clause 8).
- 17.1.1 The appeal as per Clause **17.1** shall be preferred within a period of ninety days of the recommendations.
- 18.0 OBLIGATION OF EMPLOYEES**
- 18.1 All employees have to read, understand and abide by this Policy.
- 18.2 Any deviation to this Policy shall be subject to inquiry and immediate termination as per Clause **8.7.4** of the Code of Conduct **HFE/HR06**.
- 19.0 OBLIGATION OF HFE MANAGEMENT**
- 19.1 provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
- 19.2 display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and



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the order constituting, the Internal Committee.

- 19.3 organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed;
- 19.4 provide necessary facilities to the Internal Committee for dealing with the complaint and conducting an inquiry;
- 19.5 assist in securing the attendance of respondent and witnesses before the Internal Committee;
- 19.6 make available such information to the Internal Committee as it may require;
- 19.7 provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force;
- 19.8 cause to initiate action, under the Indian Penal Code or any other law for the time being in force, against the perpetrator, or if the aggrieved woman so desires, where the perpetrator is not an employee, in the workplace at which the incident of sexual harassment took place;
- 19.9 treat sexual harassment as a misconduct under the clause **8.7.4** of **Code of Conduct HFE/HR06** and initiate action for such misconduct;
- 19.10 monitor the timely submission of reports by the Internal Committee

## 20.0 ATTACHMENTS

Description	Form No.
Internal Complaints Committee	HFE/HR17/F1
Reporting format by Internal Committee	HFE/HR17/F2

## 21.0 AMENDMENT

- 21.1 This Policy is subject to change at the sole discretion of the Management but in accordance with the provisions of THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

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