

**AGRIWISE FINSERV LIMITED**

**PREVENTION OF SEXUAL HARASSMENT AT WORKPLACE POLICY  
(POSH)**

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<b>Agriwise Finserv Limited</b>	
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## 1. INTRODUCTION:

As a Company, Agriwise Finserv Limited (hereinafter referred to as “AFL” or the “company”) is committed to ensuring that the work environment at all its locations is conducive to fair, safe and harmonious relations between employees and other stakeholders (i.e., investors, customers, suppliers, interested publics etc). AFL firmly believes that women have fundamental rights to (i) equality; (ii) life and to live with dignity; (iii) to practice any profession or to carry on any occupation, trade or business including a right to a safe environment free from sexual harassment.

AFL is committed to provide an environment where women can work or interact with dignity and expect protection against sexual harassment. The offenders shall have to face the exemplary punishment for misconduct provided under his/her service rules, including termination of service and the legal proceedings according to the nature and seriousness of the offence. This Policy is created on the background of “The Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013” and enunciates the Company’s approach to the issue of sexual harassment and its policy for dealing with any incidence of the same.

In compliance with the Act, the Company has framed a policy for Prevention of Sexual Harassment at Workplace and adopted the same w.e.f October 30, 2015.

## 2. DEFINITIONS:

- a. **“Aggrieved Person”** means a person in relation to workplace whether employed or not, who alleges to have been subject to any act of sexual harassment by the Respondent.
- b. **“Company”** means Agriwise Finserv Limited or AFL.
- c. **“Employee”** means a person employed at a workplace for any work on regular, temporary, ad hoc or daily wages 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;
- d. **“Internal Complaints Committee”** means a committee constituted by Company as per this Policy.
- e. **“Respondent”** means a person against whom the aggrieved person has made a complaint.

f. **“Sexual Harassment”** includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:-

1. Physical contact and advances; or
2. A demand or request for sexual favors; or
3. Making sexually colored remarks; or
4. Showing pornography; or
5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following circumstances, among other circumstances, if occur or are present in relation to or connected with any act or behavior of sexual harassment as defined above may amount to sexual harassment: (Indirect instances of sexual harassment).

1. Implied or explicit promise of preferential treatment in employment
2. Implied or explicit threat of detrimental treatment in employment
3. Implied or explicit threat about present or future employment status
4. Interference with work or creating an intimidating or offensive or hostile work environment
5. Humiliating treatment likely to affect health or safety.

**Some examples of sexual harassment:**

**Verbal:**

- 1) Direct or indirect threats or inducements for sexual activity
- 2) Sexual innuendos and comments
- 3) Sexual advances or propositions

**Non-Verbal :**

- 1) Leering or staring in a sexual manner
- 2) Vulgar sounds or gestures
- 3) Whistling or staring in a sexually suggestive or offensive manner
- 4) Offensive gestures or facial expressions of a sexual nature
- 5) Making inappropriate sexual gestures

**Physical :**

- 1) Inappropriate and unwanted touching of a person and or their clothing
- 2) Inappropriate display of body parts
- 3) Attempted or actual sexual assault

**Visual :**

- 1) Pervasive display of materials with sexually explicit or graphic content
- 2) Posters, drawings, pictures, screensavers or emails that are sexual in nature
- 3) Sharing sexually inappropriate images or videos, such as pornography
- 4) Displaying inappropriate sexual images or posters

Following circumstances amongst other circumstances mentioned above may constitute sexual harassment if it occurs or is present in relation or connected with any act or behavior of sexual harassment:

- i. implied or explicit promise of preferential treatment in their employment;
- ii. implied or explicit threat of detrimental treatment in their employment;
- iii. implied or explicit threat about their present or future employment status;
- iv. interfering with their work or creating an intimidating or offensive or hostile work environment;humiliation treatment likely to affect their health or safety.
- v. humiliating treatment likely to affect the health and safety of the aggrieved person.

In addition to the instances mentioned hereinabove, any other acts or behavior, which outrages the modesty of a female employee, will be considered as sexual harassment.

- g. "workplace"** includes any department, organization, undertaking, establishment, enterpriseinstitution, office or branch unit. 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.

### 3. OBJECTIVE

The objective of the policy is to provide women employees at “AFL”, a workplace, free from harassment/ discrimination and every employee is treated with dignity and respect. Commission of any act of sexual harassment as defined in the Act and in this Policy shall result in strict disciplinary action. Accordingly, while the policy covers all the key aspects of the Act, for any further clarification reference shall always be made to the Act and the provisions of the Act shall prevail.

Additionally, although the POSH Act specifically deals with the protection of women against sexual harassment, the Company strongly believe that all Employees, regardless of their gender, have the right to work in an environment safe from verbal or physical abuse and unsolicited or unwelcome sexual overtures. In furtherance to this objective, the Company have adopted this Policy with a gender neutral approach. The Company is committed to provide redressal against sexual harassment to all Employees, irrespective of their gender, and to take strict disciplinary action as provided under this Policy against any persons who are perpetrators of any and all forms of sexual harassment, regardless of the gender of the perpetrators.

### 4. COMMITMENT

1. The Company is committed to providing a work environment that ensures every woman employee is treated with dignity and respect and afforded equitable treatment.
2. The Company is also committed to promoting a work environment that is healthy and conducive to the professional growth of its women employees and encourages equality of opportunity.
3. The Company will not tolerate any form of sexual harassment and is committed to take all necessary steps to ensure that its women employees are not subjected to any form of harassment.

### 5. SCOPE

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

The workplace includes:

1. All offices or other premises where the Company’s business is conducted.
2. All company-related activities performed at any other site away from the Company’s premises- extended premises.

3. Any social, business or other functions where the conduct or comments may have an adverse impact on the workplace or workplace relations.

## 6. ROLE AND RESPONSIBILITIES REGARDING SEXUAL HARASSMENT

All employees of the Company have a personal responsibility to ensure that their behavior is not contrary to this policy.

All employees are encouraged to reinforce the maintenance of a work environment free from sexual harassment.

## 7. COMPLIANCE MECHANISM

Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism in the form of “**Internal Complaints Committee**” has been created in the Company for time-bound redressal of the complaint made by the victim.

## 8. INTERNAL COMPLAINTS COMMITTEE

The Company has instituted an Internal Complaints Committee for redressal of sexual harassment complaint (made by the victim) and for ensuring time bound treatment of such complaints.

In accordance with the Act, the Internal Complaints Committee will comprise of the following,

1. **Presiding officer** - Shall be a woman employed at a senior level at workplace amongst the employees
2. **Two members**- Shall be amongst employees preferably committed to the cause of woman.
3. **One External Member** - amongst Non-Governmental Organizations or associations committed to cause of woman (present constitution is as in **Annexure 1**)

**The Internal Complaints Committee is responsible for:**

1. Investigating every formal written complaint of sexual harassment.
2. Taking appropriate remedial measures to respond to any substantiated allegations of sexual harassment.
3. Discouraging and preventing employment-related sexual harassment.

If for any reason a complaint cannot be made in writing, the Presiding Officer or any member of the ICC shall assist the aggrieved woman for making the complaint in writing. Apart from this if the aggrieved woman cannot make a complaint for any reason then with her written consent a person having knowledge can make the complaint on her behalf.

Where the female member is unable to make a complaint on account of her physical or mental incapacity or death then her legal heir or such other persons authorized under the rules made by the Central Government.

**Quorum:**

You need a minimum quorum of 3 people to constitute the committee. Half of them should be women. The presiding officer should be a female.

**9. PROCEDURES FOR COMPLAINT, RESOLUTION, SETTLEMENT OR PROSECUTION OF ACTS OF SEXUAL HARASSMENT**

The Company is committed to providing a supportive environment in which the concerns of sexual harassment shall be resolved as follows:

**A. COMPLAINT PROCEDURE**

1. Any employee with a harassment concern, who is not comfortable with the informal resolution options or has exhausted such options, may make a formal complaint to the Presiding Officer or member of the Internal Complaints Committee constituted by the Management.
2. The aggrieved woman shall submit **6 (six) copies** of the Complaint to the **Internal Complaint Committee** along with supporting documents and the names and addresses of the witnesses in writing and can be in form of a letter, not later than / preferably within **3 months** from the date of occurrence of the alleged incident, sent in a sealed envelope. Alternately, the employee can send complaint through an email. The employee is required to disclose her name, department, division and location she is working in, to enable the Presiding officer to contact her and take the matter forward.
3. The Complaint Committee shall send 1(one) of the copies received from the aggrieved woman to the accused (respondent) within a period of **7 working days**.
4. The Accused (respondent) shall file his reply to the Complaint along with supporting documents, the names and addresses of the witnesses, within a period not exceeding **10 working days** from the date of receipt of the documents.
5. The Internal Complaint Committee has the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the Aggrieved (aggrieved woman) or Accused (respondent) fails, without sufficient cause, to present herself or himself for 3 consecutive hearings convened by the Presiding officer, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, **15 days** in advance, to the party concerned.
6. In conducting the inquiry, a minimum of 3 Members of the Internal Complaints Committee including the presiding officer, as the case may be, shall be present.
7. 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.
8. The Internal Complaints Committee shall conduct such investigations in a timely manner and shall submit a written report containing the findings and recommendations to the Employer as

soon as practically possible and in any case, not later than **10 days** from the date of completion of inquiry. The Employer shall act upon the recommendation **within 60 days of its receipt by him.**

9. If for any reason a complaint cannot be made in writing, the Presiding Officer or any member of the ICC shall assist the aggrieved woman for making the complaint in writing. Apart from this if the aggrieved woman cannot make a complaint for any reason then with her written consent a person having knowledge can make the complaint on her behalf.

10. Where the female member is unable to make a complaint on account of her physical or mental incapacity or death then her legal heir or such other persons authorized under the rules made by the Central Government.

11. The Internal Complaint's Committee report will also be made available to both concerned parties.

#### **B. MANNER OF TAKING ACTION AGAINST THE RESPONDANT**

Where the Internal Complaints Committee arrives at the conclusion that the allegation against the respondents has been proved, it shall recommend the employer to take action which may include the following:

- a. Written apology;
- b. Warning;
- c. Reprimand or Censure;
- d. Withholding of Promotion;
- e. Withholding of pay rise or increments; or
- f. Terminating the respondent from service; or
- g. Undergoing a counseling session or carrying out community service.

#### **C. PROCESS OF INTERIM RELIEF PENDING CONCILIATION /INQUIRY**

- a. In the case no settlement is arrived at between the parties or the terms of settlement have not been complied with by the Respondent, the ICC has to proceed with the inquiry.
- b. During the pendency of inquiry and on a request in writing made by the aggrieved woman, the ICC may make any of the following recommendations to the employer.
  1. Transfer the aggrieved woman or the respondent to another location;
  2. Grant leave to the aggrieved woman up to a period of **three (3) months**. The leave so granted will be in addition to the leave the aggrieved woman would otherwise be entitled to;

3. On a written request of the aggrieved woman, the ICC may also recommend to restrain the respondent from reporting on the work performance of the aggrieved woman or writing her confidential report and to assign it to another officer;
4. The employer has to implement the recommendations made by the ICC granting interim reliefs to the aggrieved woman and has to send a report of implementation to the ICC;

#### **D. PROCESS OF CONCILIATION AND SETTLEMENT**

- a. Before initiating an inquiry into the allegation of sexual harassment by the aggrieved woman, the ICC only on a request made by the aggrieved woman in writing, may take steps to settle the matter between the aggrieved woman and the respondent by conciliation.
- b. No monetary settlement can be made as a basis of conciliation.
- c. Where a settlement has been arrived at between the aggrieved woman and the respondent, the ICC has to record the settlement and forward it to the employer along with its recommendation.
- d. It is advisable that the settlement is signed by the aggrieved woman and the respondent
- e. The employer has to implement such recommendation of the ICC and send a report of implementation to the ICC. This may be done within **sixty (60) days**.
- f. The ICC must provide copies of the settlement to the aggrieved woman and the respondent.
- g. Where a settlement has been arrived at, no further inquiry needs to be conducted by the ICC.
- h. Ex parte order: In case the aggrieved woman or respondent fails to present themselves before the ICC for three consecutive hearings without sufficient cause, then the ICC may after giving an advance notice of **fifteen (15) days** pass an ex parte order or terminate the inquiry proceedings.

#### **E. PROCESS FOR INITIATING CRIMINAL ACTION**

- a. In case the ICC comes to a conclusion that a case of sexual harassment is made out against the respondent under the Act then the employer should in the presence of the members of ICC inform the aggrieved woman that she also has an option to proceed against the respondent under IPC.
- b. This may be in presence of a parent or guardian. The employer should give details of the offence with the nature of punishment and inform her of the punishment and fine they prescribe. She should in addition be informed that the employer can help her in making the complaint. This should be recorded in the presence of the members of ICC and minutes of the meeting should be prepared and signed by all the members of ICC.
- c. The employer should assist the aggrieved woman in initiating a criminal action (IPC) for the offence of sexual harassment if the aggrieved woman so desires.

- d. In case the aggrieved woman is reluctant to file a complaint with the police a letter should be taken from her. In addition a letter can be taken from the parent or guardian that they do not wish to pursue a formal complaint with police. Of course this procedure should be fair and without any coercion or pressure. It may also be advisable to take a statement from the aggrieved woman in the language given below.

#### **F. PUNISHMENT FOR FALSE OR MALICIOUS COMPLAINT AND FALSE EVIDENCE**

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 has produced any forged or misleading document, it may recommend to the employer to take action in accordance with the provisions of the service rules applicable to her or him.

#### **10. CONFIDENTIALITY**

The Company understands that it is difficult for the victim to come forward with a complaint of sexual harassment and recognizes the victim's interest in keeping the matter confidential.

To protect the interests of the victim, the accused person and others who may report incidents of sexual harassment, confidentiality will be maintained throughout any investigatory process to the extent practicable and appropriate under the circumstances.

#### **11. ACCESS TO REPORT AND DOCUMENTS**

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

#### **12. PROTECTION TO AGGRIEVED WOMEN/VICTIM/COMPLAINT**

The Company is committed to ensuring that no employee who brings forward a harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action.

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

However, anyone who abuses the procedure (for example, by maliciously putting an allegation knowing it to be untrue) will be subject to disciplinary action.

#### **13. CONCLUSION**

Complaints relating to Sexual Harassment shall be handled and investigations will be conducted under the principles of natural justice, basis of fundamental fairness, in an impartial and confidential manner so as to protect the identity of all viz., the person bringing the charge, potential witnesses, and the person accused of improper behavior.

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

#### **14. REVIEW OF POLICY**

The Company's Committee have been entrusted with the responsibility of enforcement of this policy. They are hereby given absolute power to jointly or severally, make necessary changes, amendments or additions or removals for the operational aspects of the policy within the overall spirit and guidance from time to time for reasons like technology or process upgradation, regulatory changes, maintaining competitive edge or responding to changes in market or risk environment, etc.

This is required to ensure full operational freedom to the senior management and make the management team more adaptive to rapid changing external environment. All changes so made shall be noted to the policy approving authority during the next policy review.

The Company's Committee can decide on delegation of authority and can design / redesign MIS systems and reporting as they see fit to improve the responsibility and accountability within the team hierarchy.

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**ANNEXURE 1**

<b><u>INTERNAL COMPLAINT COMMITTEE MEMBERS</u></b>				
<b>Name</b>	<b>Location</b>	<b>Contact No.</b>	<b>Email ID</b>	<b>Role</b>
Ms. Vaishali Gupta	Jaipur	9136943957	vaishali.gupta@staragri.com	Presiding Officer
Mr. Dominic Fernandes	Mumbai	7700975821	dominic.fernandes@agriwise.com	Member
Mr. Naresh Sharma	Jaipur	9351876806	Naresh.s@stargari.com	Member
Mrs. Upma Goel	Mumbai	9833576007	upmagoel69@gmail.com	(External Member)

You can also mail to Internal Complaints Committee at [SHRC@agriwise.com](mailto:SHRC@agriwise.com)

## PROCESS FLOW

