



**POLICY ON PREVENTION OF SEXUAL  
HARASSMENT**  
*(NPCI/NQMS/HR/PO-12)*

**Document History**

Version	Date (DD/MM/YY)	Author	Reviewed by	Approved by	Revision History
1.0	27/9/2010	Ravi Singh	Tanmay Panda	Board	Implementation of Policy
2.0	17/03/2015	Ravi Singh	Sanjay Saxena	HR Committee of Board	Constitution of Internal Complaints Committee

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## 1. Policy

- 1.1 National Payments Corporation of India fosters equal opportunity to all employees and is committed to create a healthy working environment that enables employees to work without fear of prejudice, gender bias and sexual harassment.
- 1.2 The Company also believes that all employees of the Company have the right to be treated with equality, honour and dignity.
- 1.3 Sexual harassment at the work place or other than work place involving employees is a grave offence as well as serious misconduct and is, therefore, punishable.

## 2. Scope & Effective Date

- 2.1 This Policy extends to all classes of employees of the Company and is deemed to be incorporated in the service conditions of all employees and comes into effect immediately.
- 2.2 “Sexual harassment” includes one or more of the following unwelcoming acts or behaviour;
- i. Physical contacts or advances; or
  - ii. A demand or request for sexual favours; or
  - iii. Making sexually coloured remarks; or
  - iv. Showing pornography; or
  - v. 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 behaviour of sexual harassment may amount to sexual harassment:-

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

This Policy will be applicable to all allegations of Sexual Harassment by an Employee against another Employee, irrespective of whether Sexual Harassment is alleged to have taken place within or outside NPCI premises.

2.3 “Employee” means any person on the rolls of the Company including those on deputation, contract, temporary, part time or working as Advisors/Consultants.

2.4 “Complainant”/ “Aggrieved Employee” means any person who has lodged sexual harassment complaint against respondent.

In case, Complainant/Aggrieved Employee is a woman, the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”) shall be applicable.

2.5 “Respondent” means any person against whom a complaint of sexual harassment has been lodged.

### 3. Constitution of Internal Complaints Committee

3.1 An Internal Complaints Committee (“ICC”) has been constituted by the Management at Mumbai and Chennai location to take cognizance and redress/inquire complaints of Sexual Harassment. The composition of the Committee is as follows:

Committee	Mumbai & Delhi	Committee	Chennai & Hyderabad
Presiding Officer	Ms. Mona Kapoor	Presiding officer	TBD
Member	Ms. Deepa Nair	Member	Mr. Ravi Singh
Member	Mr. Sanjay Saxena	Member	Mr. Ramesh Vijayakumar
Representative from NGO	Mr. Alex Emmanuel	Member from NGO	NGO Member

**MD & CEO is authorized to name the replacements in the ICC.**

3.2 A quorum of 3 members is required to be present for the proceedings to take place. The quorum shall include the Presiding Officer, at least two members; one of them shall be a lady.

3.3 The Presiding Officer and every member of the ICC shall have maximum term of 3 years.

### 4. Power of Internal Complaints Committee

The ICC shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents; and
- (c) Any other matter which may be prescribed.

### 5. Removal of Internal Complaints Committee

Presiding Officer / Member of Internal Complaints Committee shall be removed in case he / she;

- 5.1.1. Contravenes the provision of section 16 of the Act; (Extract of Section 16 is given in Annexure)
- 5.1.2. Has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him/her; or
- 5.1.3. Has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him/her; or
- 5.1.4 Has so abused his/her position as to render his continuance in office prejudicial to the public interest;

Where ever a member has been removed from the ICC, a fresh nomination shall be made in accordance with provision of section to fill up the vacancy.

## 6. Redressal Process

6.1 Any Aggrieved Employee may make, in writing, a complaint of sexual harassment at workplace to the ICC, 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.

Where such complaint cannot be made in writing, the Presiding Officer or the member shall render all reasonable assistance to the Aggrieved Employee for making the complaint in writing. The ICC may, for the reasons recorded in writing, extend the time limit not exceeding three months, if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within such period.

6.2 Where the Aggrieved Employee is unable to make a complaint on account of his/her physical or mental incapacity or death or otherwise, his/her legal heir or such other person as may be prescribed may make a complaint under this provision.

6.3 The Committee upon receipt of Complaint shall try to settle the issue / case between complainant and respondent through conciliation before the enquiry of the case. In case, the Aggrieved Employee is a woman, such conciliation will be in accordance with the provisions of Section 10 of the Act.

6.4 In case the settlement is arrived between the complainant and the respondent, the ICC shall record the settlement so arrived and forward the same to MD & CEO to take action as specified in the recommendation.

The ICC shall provide the copies of the settlement recorded to the complainant and respondent. Where a settlement is arrived, no further inquiry shall be conducted by the ICC.

## 7. Inquiry Process

7.1 In case the settlement is not arrived by conciliation, ICC shall immediately proceed with the Inquiry and communicate the same to the Complainant and respondent.

7.2 The ICC shall prepare and hand over the Statement of Allegation to the respondent and give him / her opportunity to submit a written explanation if she / he so desires within 7 days of receipt of the same.

7.3 The Complainant shall be provided with a copy of the written explanation submitted by the respondent.

7.4 If the Complainant or the respondent desires any witness/es to be examined, they shall communicate in writing to the Committee the names of witness/es that they propose to call.

7.5 If the Complainant desires to tender any documents by way of evidence before the Committee, she / he shall supply original copies of such documents. Similarly, if the respondent desires to tender any documents in evidence before the Committee he / she shall supply original copies of such documents. Both shall affix his / her signature on the respective documents to certify these to be original copies.

7.6 The ICC shall call upon all witnesses mentioned by both the parties.

**7.7** The ICC shall provide every reasonable opportunity to the Complainant and respondent, for putting forward and defending their respective case.

**7.8** The ICC shall complete the “Inquiry” within a period of 60 days and communicate its findings and its recommendations for action to the Managing Director & CEO without any prejudice or biased within 10 days from completion of inquiry.

The report of the ICC shall be treated as an inquiry report on the basis of which an erring employee can be awarded appropriate punishment straightaway.

## **8. Decisions of ICC**

### **8.1 In case ICC arrives at the finding that allegations are not proved**

It shall recommend to the MD & CEO that no action is required to be taken in the matter.

### **8.2 In case ICC arrives at the finding that allegation against the respondent has been proved it shall recommend to MD and CEO of the Company for**

Suitable action as deemed fit for the matter leading to termination of the service of the employee.

**8.3** ICC may also propose to deduct, notwithstanding anything in the service rules applicable to the respondent, from the salary or wages of the respondent such sum as it may consider appropriate to be paid to the Aggrieved Employee (if such employee is a woman) or to her legal heirs, as it may determine, in accordance with the provisions of Section 15 of the Act.

However, in case the NPCI 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. Further, in case the respondent fails to pay the sum referred in the foregoing clause, the ICC may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer.

## **9. False Allegation / Evidences**

Where the ICC arrives at a conclusion that the allegation against the respondent is malicious or the or any other person making the complaint has made the complaint knowing it to be false or the Aggrieved Employee or any other person making the complaint has produced any forged or misleading document,

ICC may recommend to MD and CEO of the Company to take action against the complainant leading to termination of services.

However, a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant. Further, the malicious intent on part of the complainant shall be established after an inquiry in accordance with the procedure prescribed, before any action is recommended.

## **10. OTHER POINTS TO BE CONSIDERED**

**10.1** During the pendency of an inquiry, on a written request made by the Aggrieved Employee, in case such aggrieved employee is a woman (aggrieved woman may be restored) the ICC may recommend the MD & CEO to-

- (a) Transfer the aggrieved woman or the respondent to any other workplace; or
- (b) Grant leave to the aggrieved woman up to a period of three months; or

(c) Grant such other relief to the aggrieved woman as may be prescribed.  
The leave granted to the aggrieved woman under the foregoing provision shall be in addition to the leave she would be otherwise entitled.

**10.2** The ICC may recommend to the Managing Director & CEO action which may include transfer or any of the other appropriate disciplinary action leading to termination of services also.

**10.3** The management shall provide all necessary assistance for the purpose of ensuring absolute, effective and speedy implementation of this policy.

**10.4** Where sexual harassment occurs as a result of an act or omission by any third party or outsider, TPC (Third party consultant) shall take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

**10.5** The ICC will analyse and put up report on all complaints of this nature at the end of the year for submission to Managing Director & CEO.

**10.6** In case the ICC finds the degree of offence coverable under the Indian Penal Code, then this fact will be mentioned in its report and appropriate action will be initiated by the Management, for making a Police Complaint.

#### Extract of Section 16 as per the Act

16. Notwithstanding anything contained in the Right to Information Act, 2005, the contents of the complaint made under section 9, the identity and addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Internal Committee or the Local Committee, as the case may be, 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:

Prohibition of publication or making known contents of complaint and inquiry proceedings

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.

#### Exception:

Any exception to the policy guidelines has to be approved by HR Committee of Board.

#### Review:

Human Resources would be responsible to verify the effectiveness of the policy and once in a year.

#### Company's Absolute Right to Alter or Abolish the Policy:

NPCI reserves the right in its absolute discretion to abolish the policy at any time or alter the terms & conditions.