

POLICY FOR PROHIBITION, PREVENTION AND REDRESSAL OF SEXUAL HARASSMENT (POSH POLICY), UDAYAN CARE

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Policy to prevent, prohibit and punish sexual harassment of women at workplace		Supersedes the version dated: 1 st January 2022	Effective until replaced

Policy Statement

Udayan Care is committed to providing all its employees with a safe, congenial, positive, and productive workplace that enables its employees to work without fear of prejudice, gender bias, and sexual harassment. The Udayan Care strictly prohibits any form of sexual harassment in its work environment.

The Udayan Care firmly believes that every employee has the right to be treated with respect and dignity and endeavors to promote a gender-sensitive workplace and commits itself to removing underlying factors that contribute towards a hostile work environment against women. The Udayan Care has a zero-tolerance approach towards any conduct of a sexual nature, by any employee that, directly or indirectly, harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile work environment.

This Policy is made in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("**Act**") and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 ("**Rules**").

Scope

- a. This Policy applies to all the employees of the Udayan Care, including but not limited to consultants, interns, apprentices, trainees, volunteers, contract workers, service providers, and visitors while they are on duty.
- b. This Policy is deemed to be incorporated in the service conditions of all employees, and comes into effect immediately. Sexual Harassment at the Workplace will be deemed to be a violation/breach of the terms of employment and a criminal offense in addition to a violation of gender equality guaranteed under the Constitution of India.
- c. "**Workplace**" under this Policy includes: a) all offices of the Udayan Care; b) any premises where a Udayan Care -related activity is conducted; c) any place visited by the employees arising out of or in the course of their employment with the Udayan Care including transportation provided by the Udayan Care for undertaking such journey.
- d. It is clarified that: (a) interactions amongst the employees, irrespective of location; (b) interactions between the employees and a third party during the course of employment or third party's business relationship with the Udayan Care; (c) interactions between an employee of the Udayan Care /third party having a business relationship with the Udayan Care and a visitor to the Udayan Care's premises/events shall also be treated as "**Workplace**".

- e. For the purposes of this Policy, the "workplace" is not limited to physical premises but extends to all Virtual Interfaces (VI) used for professional purposes. This includes, but is not limited to, video conferencing platforms, instant messaging apps, collaborative document environments, and official social media groups. Any conduct occurring via these interfaces whether during or outside of official work hours that creates an intimidating, hostile, or offensive environment shall fall under the jurisdiction of the Internal Committee (IC).
- f. Where any employee of the Udayan Care is subject to sexual harassment as a result of an act by an outsider while on official duty, the Udayan Care will take all reasonable steps to assist the affected person in terms of initiating appropriate action under the applicable law.

Definitions

- a. **"Aggrieved Person"** in relation to the Workplace, means a person, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the Respondent.
- b. **"Employee(s)"** or **"Team Member(s)"** means a person employed at the Workplace for any work on a 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.
- c. **"Employer"** or **"Management"** means any person responsible for the management, supervision and control of the Workplace.
- d. **"Member"** means a Member of the Internal Complaints Committee.
- e. **"Policy"** means the policy formulated under the Act and the rules thereunder.
- f. **"Presiding Officer"** means the Presiding Officer of the Internal Complaints Committee nominated under sub-section (2) of Section 4 of the Act.
- g. **"Respondent"** means a person against whom the Aggrieved Person has made a complaint under Section 9 of the Act.
- h. **"Special Educator"** means a person trained in communication with people with special needs in a way that addresses their individual differences and needs.

What constitutes Sexual Harassment?

"Sexual Harassment" includes any unwelcome acts or behavior of a sexual nature (whether directly or by implication) and constitutes the following:

- a. Physical contact and advances;
- b. Direct or implied requests by any person for sexual favors for any reason whatsoever, including in exchange for actual or promised employment benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;

- c. Direct or implied threat by any person with respect to detrimental treatment in employment such as withholding salary increase, denial of training or promotions, or denial of other benefits;
- d. Making sexually colored comments or utterances, remarks or jokes, letters, phone calls, messages or emails, gestures, stalking, sounds or display of nature with sexual overtures, sexual epithets, sexually explicit compliments, written or oral references to sexual conduct, gossip regarding one's sex life, comments on an individual's body, comments about an individual's sexual activity or deficiencies;
- e. Displaying sexually suggestive objects, pictures, cartoons, displaying body parts, showing pornography;
- f. Engaging in any other unwelcome conduct of a sexual nature, which could be physical, verbal, or non-verbal, to make the other person uncomfortable, or making offensive gestures/sounds.

Note that the above are mere indicators of what could amount to Sexual Harassment and do not constitute an exhaustive list. In order for an Aggrieved Person to make an assessment if certain conduct was indeed an unwelcome sexual act, the circumstances that surround such behavior should be assessed, such as where there is a demand or request for sexual favors in return for implicit/explicit promises of work-related preferential treatment such as performance appraisals, promotions, transfers, salary increases and employment or any other form of reward or recognition, implicit/explicit threat of detrimental treatment, interference with work or creating a hostile work environment or any humiliating treatment likely to affect health or safety of the aggrieved.

ALWAYS KEEP IN MIND!

If an employee suspects that they are being sexually harassed:

Speak Out: Tell the accused, clearly and firmly, that his/her behavior is unwelcome and ask him/her to stop. Speaking out is an effective tool in combating harassment.

Gather Evidence: Keep a record of all incidents (dates, times, messages, notes, locations, possible witnesses, details of the incident, and your response). It is not mandatory to have a record of events to file a complaint, but a record can strengthen your case and help you remember the details over time.

Take Action: File a complaint as soon as possible.

Internal Committee

The Udayan Care has set up the Internal Complaints Committee (“IC”) to investigate and decide complaints of Sexual Harassment in accordance with the provisions of the Act. The IC shall, at any given point in time, comprise the following Members to be nominated by the Management of the Udayan Care:

- a. A Presiding Officer who shall be a woman employed at a senior level in the Udayan Care;
- b. Minimum 2 (two) Members from amongst the employees of the Udayan Care with relevant experience in the field of (i) women's welfare, (ii) social work, or (iii) law; and

- c. 1 (one) Member from amongst non-governmental organizations or associations working to promote the cause of women or a person familiar with the issues relating to sexual harassment.

The Udayan Care shall ensure that at least one-half of the total Members of the IC at any given point in time are women. The constitution of the IC, including the name, designation, and contact details of its Presiding Officer and Members shall be communicated by the Udayan Care from time to time. The details of the present IC Members are set out in **Annexure I**.

The Presiding Officer and every Member of the IC shall hold office for a period not exceeding 3 (three) years from the date of their nomination. A quorum of 3 (three) Members is required to be present for the proceedings of the IC to take place. A valid quorum shall include the Presiding Officer and at least 2 (two) Members, one of whom shall be a lady. If the defendant in the course of a particular inquiry is senior to a Member of the IC, such Member shall be substituted by another person senior in rank to the defendant.

No person who is a complainant, witness, or defendant in the complaint of sexual harassment shall be a member of a Committee.

In the event that the Presiding Officer or any Member of the IC: (a) contravenes the provisions of Section 16 of the Act; (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against such person; (c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against such person; (d) has so abused their position as to render their continuance as a Member of the IC prejudicial to the public interest, such Presiding Officer or Member, shall be removed from the IC and such vacancy shall be filled by fresh nomination in accordance with the provisions of the Act.

Lodging a Complaint

Any Aggrieved Person ("**Complainant**") is encouraged to report the incident(s) immediately to the IC at ic.posh@udayancare.org and, in any case, within 3 (three) months from the date of the alleged incident, or in case of a series of incidents, within 3 (three) months from the date of the last incident. Further extensions not exceeding 3 (three) months may be permitted by the IC in special circumstances, if it is satisfied that the circumstances were such which prevented the Complainant from filing a complaint within such period.

Where the Accused is an employee, and if the IC determines that a *prima facie* case exists based on the complaint, the IC shall forward such complaint to the police within 7 (seven) days for registering the case under the applicable provisions of the Bharatiya Nyaya Sanhita (BNS), 2023.

Where the Complainant is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by: (a) a relative or friend; or (b) a 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 the written consent of the Complainant.

Where the Complainant is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by: (a) a 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 a relative or friend or a Special Educator or qualified psychiatrist or psychologist, or guardian or authority under whose care he/she is receiving treatment or care.

Where the Complainant is dead, a complaint may be filed by any person who has knowledge of the incident, with the written consent of his/her legal heir. It shall be the duty of the IC before whom an oral complaint is made, to reduce the said complaint in writing and read out the complaint to the Complainant in the language requested by the Complainant and obtain the signature of the Complainant.

The Complainant shall submit 6 (six) copies of the complaint, which shall contain all details of the incident, documents, and the names and addresses of the witnesses to the incident, if any. In the event that the complaint cannot be made in writing, the IC will render all reasonable assistance to the Complainant for making the complaint in writing. (**Annexure II for the format of lodging written complaint**).

Upon receipt of the complaint, the IC shall, within 7 (seven) working days from the date of receipt thereof, send a copy of the complaint to the Respondent ("**Accused**") providing him/her the time of 10 (ten) working days to send his/her response to the IC along with a list of supporting documents/evidence, names and addresses of the witnesses to the incident, if any. Once a complaint is received, the Presiding Officer of the IC shall review the nature of the complaint.

If the complaint pertains to general discrimination/harassment/bullying, the Presiding Officer shall forward the complaint to the grievance committee/HR for investigation.

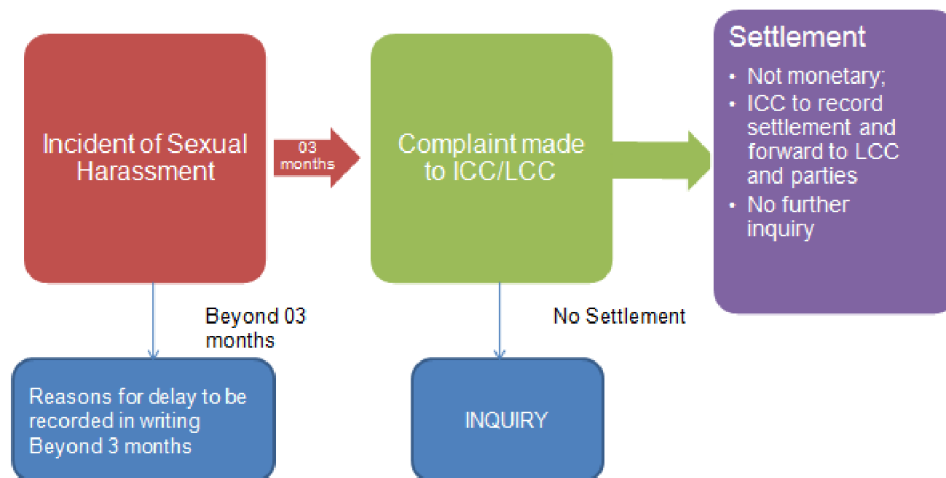
If the complaint pertains to any form of Sexual Harassment, then the IC shall try to ensure that the first meeting (or call) is convened within one (1) week from the date of receipt of the complaint.

Conciliation process

If so requested by the Complainant, the IC may try to resolve the matter informally through a conciliation process, thereby permitting the parties to resolve the matter mutually before the commencement of the formal inquiry proceedings. If a settlement (except for monetary settlement) is arrived at, no further investigation process will be conducted by the IC as applicable, unless the Accused is not in compliance with the settlement terms. No monetary settlement shall be made as a basis for such settlement.

Where a settlement is reached with the Accused through conciliation, a settlement agreement shall be executed within 15 (fifteen) working days from the date of such settlement between the parties in the presence of the IC, and a copy of the settlement agreement shall be sent to the Complainant, Accused and Management of the Udayan Care within 15 (fifteen) days from the date of its execution. The Complainant may further refer the complaint to the IC for redressal if the terms of the settlement agreement have not been complied with.

In the absence of any conciliation process, the IC will determine whether such a complaint shall be investigated by the IC and shall proceed with the investigation into the complaint.



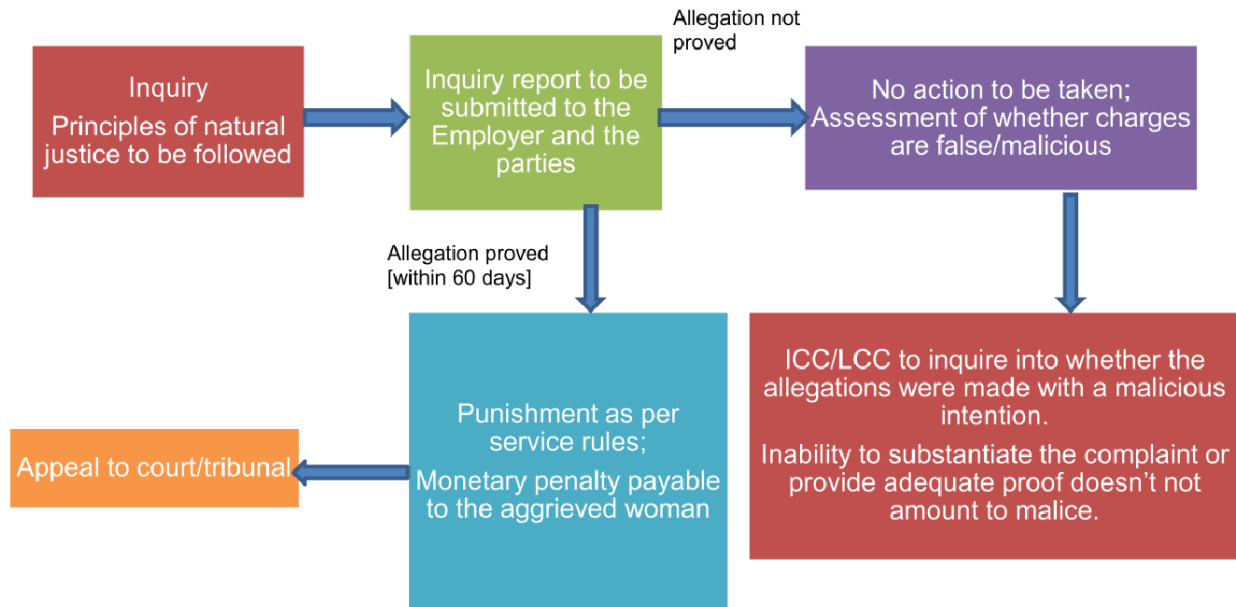
Investigation process

Where no conciliation process has been requested by the Complainant, or if requested and carried out, has not been successful, the IC shall proceed to conduct a full inquiry/formal investigation into the allegation of sexual harassment. Such investigation shall be completed within 90 (ninety) days from the date of institution of the complaint. Every investigation shall be conducted by the IC in a detailed, transparent, and effective manner based on the principles of natural justice and in accordance with the Act.

The IC shall give both parties a fair chance to present their case and respective witnesses/evidence. During the investigation process, the IC, as it may deem fit shall be entitled to order for production and discovery of documents and/or summon and enforce the attendance of any person and examine such person under oath. No party to the investigation, including witnesses, shall be represented by a lawyer before the IC. The IC shall arrive at a decision on the complaint after due appraisal of the evidence placed before it during the investigations. Upon completion of the investigation, the IC shall provide a copy of its findings to both parties to give them a chance to provide their responses on such findings before sending its recommendations to the Management of the Udayan Care.

The final investigation report with the recommendations of the IC shall be provided to the Management of the Udayan Care within 10 (ten) days from the date of completion of its investigation. The Management shall implement and act upon the final report within 60 (sixty) days from the date of receipt of such report.

The IC shall have the right to terminate the investigation proceedings or to give an ex parte decision 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 IC, as the case may be, provided that such termination or ex-parte order may not be passed without giving a notice in writing, 15 (fifteen) days in advance, to the party concerned.



Protection during the investigation

During the pendency of an investigation, on a written request made by the Complainant, the IC may recommend transferring the Complainant or Accused to any other location of work, grant leave to the Complainant up to a period of 3 (three) months (over and above the entitled leave), restrain the Accused from reporting on the work performance of the Complainant, or from writing the confidential report of the Complainant, in case the Accused is authorized to do so; and grant such other relief to the Complainant as the IC may deem fit and necessary.

Possible Outcome of the Investigation

No action shall be taken if the complaint is not proven. If the allegations against the Accused are found to be malicious, false, and/or misleading, the IC shall make recommendations to the Management of the Udayan Care to take such appropriate actions as it may deem fit and necessary.

The IC reserves the right to recommend such disciplinary action as it deems fit, including the following:

- A written apology from the Accused;
- A letter of warning/reprimand or censure that will be placed in the personal file of the Accused;
- Immediate transfer or suspension without pay or both;
- Stoppage of increment with or without cumulative effect;
- Withholding of promotion;
- Reduction in rank;
- Termination/dismissal from the services of the Udayan Care;
- Filing a complaint before the relevant police station/Court; and
- Any other punishment/penalty as may be prescribed under the Act.

It is hereby clarified that the above-mentioned disciplinary actions shall be in addition to any legal recourse sought by the Complainant.

Assurance of Non-Retaliation

The Udayan Care encourages all employees to communicate, freely and responsibly, their complaints. Regardless of the outcome of a complaint made in good faith, the Complainant and any person providing information or any witness shall be treated with fairness and protected from any form of retaliation. While dealing with complaints of Sexual Harassment, the IC shall ensure that the Complainant or the witness is not victimized or discriminated against, by the Accused. Any unwarranted pressures, retaliatory, or any other type of unethical behavior from the Accused against the Complainant while the investigation is in progress should be reported by the Complainant to the IC as soon as possible. Disciplinary action shall be taken against the Accused by the IC if any such complaints are found to be genuine.

Confidentiality

The Udayan Care shall take necessary steps to protect the privacy of the individuals involved and maintain the confidentiality of the details relating to the complaint. Any and all information with respect to the identity of the Complainant, Accused or other parties involved, conciliation, investigation proceedings, and recommendations shall be kept strictly confidential and shall not be published or communicated in any manner whatsoever to anyone. Any person (including witnesses) who breaches the confidentiality thereof shall be subject to serious disciplinary action.

Malafide Complaints

This Policy shall not be used to bring frivolous or malicious complaints against anyone. Making a false complaint shall subject the Complainant to disciplinary or corrective action at the sole

discretion of the Udayan Care. However, the mere failure of the Complainant to prove a claim of sexual harassment shall not constitute proof of a false and/or malicious accusation.

Criminal Proceedings

Where a particular conduct may amount to a specific offense under the **Bharatiya Nyaya Sanhita (BNS), 2023** or other applicable law, the Management of the Udayan Care, based on advice from the IC, may initiate appropriate action by making a complaint with the concerned authorities.

Appeal

Either party has the right to appeal to the jurisdictional court within a period of 90 (ninety) days of the recommendation of the IC. The Udayan Care will provide assistance to the Aggrieved Person for the same.

Awareness and Annual Reporting

The Udayan Care is committed to maintaining a safe and gender-sensitive workplace and shall declare the names and contact details of all employees of the IC, regularly conduct orientations, seminars and capacity-building programs for the employees, carry out employee awareness initiatives and workshops by using modules developed by the State Governments, and create a forum for dialogue which may include Panchayati Raj Institutions, Gram Sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary.

The IC shall prepare an annual report detailing the number of complaints received, disposed of, and pending for more than ninety days in a year, the number of workshops or awareness programs conducted, and the nature of actions taken by the Management of the Udayan Care. These measures are intended to foster a safe, respectful, and inclusive work environment for everyone.

Annexure I - Internal Complaints Committee

Serial No.	Name	Designation	Contact Details - Email/Phone
1	Ranjana Srivastava	Presiding Officer	altcareprojects@udayancare.org / +91 9971384994
2	Sanjjana Bhowmicck	IC Member	Sanjjana.Bhowmicck@udayancare.org / +91 9871860756
3	Shrinkhla Chandhok	IC Member	shrinkhla@udayancare.org / +91 9000112295

4	Mukesh Joshi	IC Member	mukesh.joshi@udayancare.org / +91 9875271683
5	Karuvaki Mohanty	IC External Member	karuvaki.mohanty@i-probono.com / +91 9891983376

Annexure II (Format of lodging written complaint)

To:

The Presiding Officer, Internal Complaints Committee (IC)
[Or, if applicable: The Chairperson, Local Complaints Committee (LCC)]

Subject: Complaint under Section 9 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 read with Rule 6 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013.

1. Details of the Person Filing the Complaint

- Name:
- Designation/Department:
- Contact Number/Email:
- Are you the person who faced Sexual Harassment? (Yes/No)
 - If No, your relationship to the person who faced Sexual Harassment (e.g., legal heir, friend, co-worker, etc.):
 - Reason the person cannot file the complaint themselves (e.g., physical/mental incapacity, death, other):

2. Details of the Person against Whom Complaint is Made

- Name:
- Designation/Department:
- Relationship with you (e.g., employer, co-worker, other – please specify):

3. Details of the Incident

- Date(s) and Time(s) of Incident(s):
- Place(s) where the incident(s) happened:
- Was it a one-time incident or did it happen more than once?
- Are you filing this complaint within 3 months of the incident? (Yes/No)
 - If No, please mention the reason for the delay:

4. Description of the Incident(s)

(Please describe in your own words what happened. Include details such as what was said or done, whether it was physical, verbal, or non-verbal, and why you felt it was unwelcome.):

5. Witnesses (if any)

Name(s) and contact details of anyone who saw or is aware about the incident(s):

6. Evidence (if any)

(List and attach any emails, messages, documents, photos, or other evidence you may have. If you do not have evidence, you can still file your complaint.)

7. Impact

(Briefly mention how this incident has affected you – emotionally, mentally, or professionally.)

8. Relief Sought

- a. Are you open to resolving the matter through conciliation/settlement? (Yes/No)
- b. Do you want any immediate protection or interim relief? (e.g., transfer, leave, change of reporting manager, etc.)
- c. What outcome or action are you seeking from the Committee? (e.g., compensation, disciplinary action, etc.)

9. Additional Information (Optional)

- a. Did you share this incident with anyone? If yes, whom?
- b. Any other information you wish to provide:

Place:

Date:

Signature:

Verification

I declare that the information provided above is true and correct to the best of my knowledge and nothing material has been concealed therefrom.

Name:

Signature: