



Bussan Auto Finance India Pvt. Ltd.

[Registered & Head Office]

10th Floor, Ashoka Estate, 24 Barakhamba Road, New Delhi - 110 001, India • Tel : (91-11) 4361-1111 • Fax : (91-11) 4361-1139

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Committee Charter

Establishment Date: June 26, 2013

Effective Date: July 01, 2013

Recommended by: Compliance Committee

Approval Authority: Board of Directors

Article 1 (Background, Appointment & Purpose)

Government of India (GOI) through its official Gazette of India make it mandatory for Companies to form a Internal Complaints Committee to redress the issues related to sexual harassment of women at workplace. In this regard, GOI formulated a new Act named as “The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as “Act”) which has received the President of India assent on April 22, 2013 and published in the official Gazette of India on April 23, 2013.

The objective of the Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

In line with the directions under the said Act, Bussan Auto Finance India Private Limited formulates the present Committee under the name and style as “Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Committee” (hereinafter referred to as “Committee”) to cater the objectives of the Act.

Article 2 (Definitions)

1. Employee

Employee means a person employed at a 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 (BAF India), 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.

2. Sexual Harassment

- a) It includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:



- i) Physical contact 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;
- b) 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:
- 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.

3. Workplace

- a) It includes BAF India Head Office, Zonal office, Regional Office, Area office or any other office including Satellite or spoke locations.
- b) Any place visited by the employee arising out of or during the course of employment including transportation provided by the Company for undertaking such journey.

Article 3 (Membership and Constitution of the Committee)

The members of Committee shall represent staff of the company and shall be selected by the Compliance Committee and recommended to the Board of Directors of the Company for nomination on the Board of the Committee. The nomination of the members on the Board of the Committee is based on the following criteria –

- ✓ Maturity in their outlook and demeanour
- ✓ Clarity and demonstrated sensitivity on gender issues
- ✓ Ability to advocate and promote gender issues in the workplace
- ✓ Capability to work in a collective and inclusive manner.

The Committee shall be constituted comprising of such number of members, as may be recommended by the Compliance Committee of the Company and approved by the Board of Directors in their next meeting. A gender balance will be ensured when constituting the Committee provided that at least one-half of the total members so nominated shall be women. The Chairperson of the Committee who shall act as a Presiding Officer and shall be a woman at a senior level in the Company. At present, the Committee shall be formed with 6 members as follows:

Chairperson (F) – 1 person

Members (F) - 2 persons



Members (M) - 2 persons
External Advisor – 1 person

Provided that the external Advisor is nominated from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to Sexual Harassment.

Article 4 (Tenure)

The Presiding officer and every member of the Committee shall hold office for such period, not exceeding 3 (Three) years, from the date of their nomination.

Article 5 (Duties of the BAF India)

1. Provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace;
2. Display at any conspicuous place in the workplace, the penal consequences of sexual harassment; and constitution of the Committee with name and details of the Presiding Officer along with other members of the Committee as suggested by the Compliance Officer.
3. Compliance Committee or Compliance Officer of the Company shall organize workshops and awareness programmes at regular intervals for sensitizing the employees with the provisions of the Act and orientation programmes for the members of the Committee in the manner as may be prescribed.
4. Provide necessary facilities to the Committee for dealing with the complaint and conducting an inquiry;
5. Assist in securing the attendance of respondent and witnesses before the Committee;
6. Make available such information to the Committee as may be requiring under the Act;
7. Provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code (I.P.C.) or any other law for the time being in force;
8. Cause to initiate action, under the I.P.C. 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;
9. Treat sexual harassment as a misconduct under the service rules and initiate action for such misconduct;
10. Monitor the timely submission of reports by the Committee.



Article 6 (Complaint)

As part of investigation on any matter, Committee shall take into account the following procedure:

A. Complaint of Sexual Harassment

1. Concern, complaint, grievance (by whatever named called) in the first instance shall be referred to the Presiding Officer who shall convene a meeting of the Committee within 72 hours of the receipt of complaint.
2. Determine whether the concern or complaint actually pertains to this Committee.\
3. Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace within a period of three months from the date of the incident and in case of series of incidents, within a period of three months from the date of last incident. Committee may extend the time not exceeding three months for the reasons to be recorded in writing.
4. The aggrieved woman must be asked to prepare a detailed statement of incidents; a reasonable assistance shall be provided by the Presiding Officer or a Committee member(s) for writing the complaint, in the event that the aggrieved woman is not in a position to do so.
5. Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint.

B. Conciliation

6. The Committee may before initiating an inquiry and 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.
7. Where a settlement has been arrived as above, the Committee shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation.
8. The Committee shall provide the copies of the settlement as recorded above to the aggrieved women and the respondent.
9. Where a settlement is arrived as above, no further inquiry shall be conducted by the Committee.



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C. Inquiry into Complaint

10. Subject to the above provisions of conciliation and settlement, the Committee shall, where the respondent is an employee, proceed to make inquiry into the complaint in accordance with the Code of Conduct of the Company.
11. Whereas the aggrieved woman informs the Committee that any term or condition of the settlement arrived above, has not been complied with by the respondent, the Committee shall proceed to make a inquiry into the complaint.

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.
12. For the purpose of making an inquiry, the 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:
 - a) Summoning and enforcing the attendance of any person and examining on oath;
 - b) Requiring the discovery and production of documents; and
 - c) Any other matter as may be prescribed.
13. The inquiry shall be completed within a period of 90 (Ninety) days.
14. The Committee shall ensure that a detailed documentation of all the processes related to the activities on issues of sexual harassment within the company is maintained.

Article 7 (Inquiry into Complaint)

A. Action during pendency of Inquiry

1. During the pendency of an inquiry, on a written request made by the aggrieved women, the Committee may recommend to the Compliance Committee to -
 - a) Transfer the aggrieved woman or the respondent to any other workplace;
or
 - b) Grant leave to the aggrieved woman upto a period of three months; or
 - c) Grant such other relief to the aggrieved woman as may be prescribed.
2. The leave granted to the aggrieved woman as above shall be in addition to the leave she would be otherwise entitled.
3. On the recommendations of the Committee, Company through its Compliance Committee shall implement the recommendations made above and send the report of such implementation to the Committee.



B. Inquiry Report

4. On completion of an inquiry, the Committee shall provide a report of its findings to the Compliance Committee within a period of 10 days from the date of completion of the inquiry and such report be made available to the concerned parties.
5. Where the Committee arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the Compliance Committee that no action is required to be taken in the matter.
6. Where the Committee arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the Compliance Committee
 - i) To take action for sexual harassment as a misconduct in accordance with the Code of Conduct of the Company.
 - ii) To deduct, notwithstanding anything in the Code of Conduct of the respondent, from salary of the respondent such sum as it may consider appropriate to be paid to the aggrieved woman or her legal heirs, as it may determine.

Provided that in case the Company is unable to make such deduction from the salary of the respondent due to his absent from duty or cessation of employment it may direct to the respondent to pay such sum to the aggrieved woman:

Provided further that in case the respondent fails to pay the sum referred above, the Committee subject to the approval of the Compliance Committee may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer of the area.

7. Compliance Committee shall act upon the recommendation within 60 days of its receipt.

C. Punishment for false or malicious complaint and false evidence

8. Where the 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 any aggrieved woman or any other person making the complaint has produced any forged or misleading documents, it may recommend to the Compliance Committee to take action against the woman or the person who has made the complaint in accordance with the Code of Conduct of the Company.

Provided that a mere inability to substantiate a complaint or provide adequate proof need not attract action against the complainant:



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Provided further that 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.

9. Where the Committee 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 of the witness to take action in accordance with the provisions of the service rules applicable to the said witness or where no such service rule exist, in such manner as may be prescribed.

D. Determination of Compensation

10. For the purposes of determining the sums to be paid to the aggrieved woman, the Committee shall have regard to –
 - a) The mental trauma, pain, suffering and emotion distress caused to the aggrieved woman;
 - b) The loss in the career opportunity due to the incident of the sexual harassment;
 - c) Medical expenses incurred by the victim for physical or psychiatric treatment;
 - d) The income and the financial status of the respondent;
 - e) Feasibility of such payment in lump sum or in instalments

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

11. Notwithstanding contained in the Right to Information Act, 2005, the content of the complaint, the identity and the addresses of the aggrieved woman, respondent and witnesses, any information relating to conciliation and inquiry proceedings, recommendations of the Committee and action taken by the Compliance Committee shall not be published, communicated or made known to the public, press and media in any manner:

Provided that information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars calculated to lead to the identification of the aggrieved woman and witnesses.

12. Where any person entrusted with the duty to handle or deal with the complaint, inquiry or any recommendations or action to be taken contravenes the above, he shall be liable for penalty in accordance with the Code of Conduct of the Company.

F. Appeal

13. Any person aggrieved from the recommendations elsewhere mentioned or non-implementation of such recommendations may prefer an appeal to the court



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or tribunal in accordance with the Code of Conduct of the Company. The appeal shall be preferred within a period of 90 (Ninety) days of the recommendations.

Article 8 (Miscellaneous)

1. Committee shall in each calendar year prepare, in such form and at such time as may be prescribed, an annual report and submit the same to the Compliance Committee and the District Officer.
2. Compliance Committee shall include in its report the number of cases filed, if any, and their disposal in the Annual Report of the Company.
3. Central Government has power to make such further rules, regulations or order as may be prescribed from time to time.

Article 9 (Procedure of Convocation)

a) Calling of Meeting

Meeting can be called by any committee member with prior consent of Presiding Officer of the Committee.

b) Notice

Meeting shall be called by giving not less than 2 days notice in advance to all the members by way of email, phone call or any other mode as he may deem fit and proper to members as well as observers to meeting. Notice of the meeting shall be sent to all members along with draft proposal and agenda of meeting. However, meeting can also be called on a shorter notice provided consent of all the members is obtained by way of email, phone call or any other mode as the Chairman may deem fit and proper.

c) Day of meeting

The Committee shall meet at least once in a financial year. However, Meeting can also be called on any other day as and when required.

d) Quorum of the meeting

Not less than 50% of the total nominated members shall be quorum of the meeting. Members who are not present but sent their decision on acceptance or non acceptance of the proposal in advance to the Presiding Officer by way of email or any other mode in writing, shall also be counted for ascertaining the Quorum. Final decision on a particular case taken by the Committee shall require full quorum.



Article 10 (Minutes of the Meeting)

A summary of the proceedings of meeting of the committee and the results thereof shall be recorded in the minutes of the meeting and same shall be circulated by the Presiding officer to the Compliance Committee by the way of email or any other mode in writing, within 3 days of the meeting, subject to approval of Presiding Officer of the meeting, to all Members and observers of Committee. The Company shall keep the minutes in the Company's head office. Minutes of the Committee shall be placed before the next Compliance Committee Meeting for taking note of the same. Minutes should be signed by all the members present in person including complainant, respondent and the witnesses.

Article 11 (Administrative Office)

- a) The administration of the Committee concerning service of Notice, receiving of Draft proposals, convening the meetings, preparation and circulation of the minutes, and other matters relating thereof shall be handled by the Presiding Officer or any other member as may be prescribed by the Compliance Committee.
- b) Committee members may send any notice, proposal or any other document to Committee Members by way of email, fax, or any other mode in writing or otherwise as the Presiding Officer may be deem fit and proper.
- c) Any proposal or document to be sent by the member(s) of the committee shall be sent to Presiding Officer by way of email, Fax or any other mode in writing.

Article 12 (Amendment of Regulation)

The Committee shall have no right to alter, amend, abolish and extend these regulations but may recommend the same to the Compliance Committee.

Article 13 (Enforcement)

These regulations shall come into force from the date of approval by the Board of Directors.

For Bussan Auto Finance India Private Limited


Keiichi Yoshimura
Chairman & Managing Director

