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**BLUE ENERGY COMMERCIAL VEHICLES LIMITED
(BECVL)
(Earlier Blue Energy Commercial Vehicles Private Limited)**

Version : I	W.e.f. 20/12/2024	Revision No.00
Policy Name: POLICY ON SEXUAL HARRASEMENT (POSH)		
Annexure/s: Nil		
Reference/s: Nil		

1. Policy Statement

Blue Energy Commercial Vehicles Limited ("Company") earlier *Blue Energy Commercial Vehicles Private Limited* is committed to providing equal opportunity and a harassment free workplace notwithstanding race, caste, religion, colour, ancestry, marital status, gender, sexual orientation, age, nationality, ethnic origin, or disability, as the case may be. The Company has been and will continue to be committed to providing a positive work environment where employees are treated with respect. This requires our environment to be free from unlawful harassment. Thus, in order to create such a safe and conducive work environment, this Prevention of Sexual Harassment Policy ("**Policy**") has been framed, in line with the provisions of the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013** of India (hereinafter referred to as the "**Act**"), existing rules framed thereunder namely the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013** (hereinafter referred to as the "**Rules**") and other internationally acceptable prevention of sexual harassment standards.

2. Scope and Purpose

- This Policy covers all employees of the company and associates on the rolls of third-party agencies.
- This Policy also extends to visitors, vendors, contractual resources, secondees and applies to any alleged act of sexual harassment against persons at workplace, whether the incident has occurred during or beyond office hours.



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- c. The rules and process for preventing, reporting, and punishing of sexual harassment are provided in this Policy.
- d. This Policy does not prevent any aggrieved individual from taking recourse to the law of the land.

This Policy does not cover:

- Interactions or engagements in personal capacity, even if they started in the Workplace.
- Any complaints that do not fall under the definition of Sexual Harassment

3. Definitions

"Aggrieved Person" is a person, whether employed or not, who alleges to have been subjected to any act of Sexual Harassment by the Respondent.

"Complainant" is either the Aggrieved Person or a person authorized by the Aggrieved Person who is raising the complaint.

"Employee": A person employed at the 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, 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 coworker, a contract worker, probationer, trainee, apprentice or by any other such name.

"Employer" means a person responsible for the management, supervision and control of the Workplace.

"Respondent" is a person against whom the Complainant has made the complaint.

" Sexual Harassment"

- a. "Sexual Harassment" includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - (i) physical contact and advances;
 - (ii) a demand or request for sexual favours;



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- (iii) making sexually coloured remarks;
 - (iv) showing pornography;
 - (v) any other unwelcome physical, verbal, non-verbal conduct of sexual nature;
 - (vi) unwelcome sexual advances;
 - (vii) lewd, vulgar or obscene remarks, jokes, posters or cartoons;
 - (viii) sending sexually coloured and inappropriate text messages or emails; and/or
 - (ix) making disparaging, discriminatory or offensive remarks about pregnancy or marital status of a person.
- b. The following circumstances (amongst other circumstances) listed below which occur or are present in relation to or connected with any act or behaviour of sexual harassment may also amount to sexual harassment:
- (i) implied or explicit promise of preferential treatment in employment;
 - (ii) implied or explicit threat of detrimental treatment in employment;
 - (iii) implied or explicit threat about present or future employment status;
 - (iv) interference with work or creating an intimidating or offensive or hostile work environment for a person; or
 - (v) humiliating treatment likely to affect the health or safety of a person.

The reasonable person standard is used to determine whether or not the conduct was offensive and what a reasonable person would have done. Further, it is important to note that whether harassment has occurred or not, does not depend on the intention of the people but on the experience of the aggrieved person.

Sexual Harassment also include instances which have been laid down by applicable law either by way of enactment or by other means such as judgements or can be perceived as Sexual Harassment within the framework of law, or to further the objective of the law.



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Workplace” includes –

- premises, locations, establishments, enterprises, institutions, offices, branches or units established which are owned or controlled by the organization;
- places visited by the Employees of the organization or organization’s entities arising out of, or during the course of employment (such as meetings at third party premises, offsite meetings and public venues) including transportation provided by the organization for undertaking such journey, organization-sponsored formal and informal team events ,organization offsites, parking lots in the administrative locations, business conferences organized by the organization, airports and/or any other location
- all digital platforms of interaction where the Employee represents the Company.

4. Internal Committee

The Internal Committee (“IC”) shall consist of the following people:

Constitution

Sr. No	Name	Department	Designation
1.	Dr. Suhita Mukhopadhyay, CS	Head-Secretarial, Legal & Compliance	Presiding officer
2	Mr. Arvind Singh Chouhan CHRO	Head -Human Resource	Member
3.	Mr. Puneet Sonthalia	Head-Administration & Infrastructure	Member
4.	Ms. Snehalata Aher K.	Administration	Member
5.	Ms. Mamata Sindhutai Sapkal	Social Worker	External member

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5. Scope and Functions of the Committee

The Committee shall be responsible for::

- Receiving complaints of Sexual Harassment at the Workplace
- Initiating and conducting inquiry as per the established procedure
- Submitting findings and recommendations of inquiries
- Coordinating with the Employer in implementing appropriate action
- Maintaining strict confidentiality throughout the process as per established guidelines
- Submitting annual reports in the prescribed format

6. Making the Complaint

- a. An 'aggrieved person', who alleges to have been subjected to any act of sexual harassment by the respondent, who feels that he/she has been subjected to sexual harassment by any person from the Company must submit a written complaint (along with 6 (six) copies) to the IC (with supporting documents, if any, and the names and addresses of the witnesses) within a period of 3 (three) months from the date of the incident. In case there have been a series of incidents, within 3 (three) months from the date of the last incident.
- b. If the IC is satisfied of circumstances being such so as to have prevented the aggrieved person from filing a complaint within the said time period, the IC may, in its discretion, extend the time limit for submitting a complaint but by no more than three months. An aggrieved person must try and document as much evidence of the incident as possible in order to build a stronger case.
- c. Assistance would also be given by the IC to a person who is unable to make a complaint in writing.
- d. In case where the aggrieved person is unable to make a complaint on account of his/her physical incapacity, a complaint may be filed by:
 - (i) his/her relative or friend;
 - (ii) his/her co-worker;
 - (iii) an officer of the National Commission for Women or State Women's Commission, in case the aggrieved person is a woman; or



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- (iv) any person who has knowledge of the incident, with the written consent of the aggrieved person
- e. In case where the aggrieved person is unable to make a complaint on account of his/her mental incapacity, a complaint may be filed by:
 - (i) his/her relative or friend;
 - (ii) a special educator;
 - (iii) a qualified psychiatrist or psychologist;
 - (iv) the guardian or authority under whose care he/she is receiving treatment or care; or
 - (v) any person who has knowledge of the incident jointly with his/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;
- f. In case the aggrieved person is unable to make the complaint for any other reason, a complaint may be filed by any person, who has knowledge of the incident, with the written consent of the aggrieved person.
- g. In case of the death of the aggrieved person, a complaint may be filed by any person, who has knowledge of the incident, with the written consent of the legal heir of the aggrieved person.
- h. In addition to hearing complaints as per the process specified by law, the IC would also provide assistance to an employee if he/she chooses or desires, to file a complaint in relation to the offence under the Bharatiya Nyaya Sanhita, 2023 or any other law for the time being in force, even where the perpetrator is not an employee of the Company.
- i. If any IC Member is harassed ("**Aggrieved IC Member**") by another IC member ("**Respondent ICC Member**"), in that case the Respondent IC Member shall be removed from the IC and the Aggrieved IC Member can make a complaint to the remaining IC members following the above procedure.



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7. Option for conciliation

An aggrieved person may, after submitting a complaint of sexual harassment, request the IC to settle the matter with the respondent by way of conciliation, provided that no monetary settlement would be permitted as the only basis of conciliation. In case the terms or conditions of settlement have not been complied with by the respondent, the complainant should intimate the IC in writing who will then proceed to duly inquire into the complaint.

- a. Where a settlement has been arrived at by means of conciliation, the IC shall record the terms of the settlement and forward the same to the Company to take actions as per the recommendations specified in the settlement.
- b. The IC will provide copies of the recorded settlement to the aggrieved employee and the respondent.
- c. Further, where a settlement is arrived at by conciliation no further inquiry will need to be conducted by the IC.
- d. The IC shall have the right to terminate the inquiry proceedings or to give an ex-parte decision on the complaint, if the aggrieved employee or the respondent fails, without sufficient cause to present herself or himself for 3 (three) consecutive hearings convened by the IC. However, such ex-parte order shall not be passed without 15 (fifteen) days advance written notice being given to the concerned party.

8. Procedure for conducting inquiry

On receipt of a written submission of a complaint of sexual harassment, the IC will proceed to inquire into the complaint as follows:

- a. It will send 1 (one) copy of the complaint received from the aggrieved individual to the respondent. The IC will maintain a register to endorse the complaint received by it by keeping the contents of the complaint confidential except for using it for discreet investigation.
- b. The respondent must file his/her reply along with the list of necessary documents and names and addresses of witnesses within a maximum period of 10 (ten) days from the receipt of the copy of the complaint.



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- c. The parties will be given an opportunity of being heard and to bring witnesses in support of their respective stands. Copies of all statements and evidence filed will be given to both parties to enable them to make adequate representations before the IC. In the first meeting, the IC will hear and record the allegations of the Complainant. If the Complainant has corroborative material in the form of documentary proof, oral or written material etc. which can substantiate his/her complaint then the same must also be submitted to the IC.
- d. After the recording of the Complainant's statements, the respondent shall be called for a deposition before the IC and an opportunity would be given to that person for giving an explanation.
- e. While making an inquiry, the IC is empowered by law to have the same powers as are vested in a civil court i.e. (amongst others) to summon and enforce the attendance of any person, examine him on oath and require the discovery and production of documents;
- f. The parties will not be allowed to be represented by any legal practitioners at any stage of the proceedings before the IC.
- g. Whilst the inquiry is being conducted, minimum 3 (three) members of the IC including the Chairperson shall be present.
- h. The inquiry will be completed within a period of 90 (ninety) days.

9. Action pending inquiry

- a. Whilst the inquiry into a complaint is pending, on a written request being made by the aggrieved individual, the IC may recommend to the Company to do the following:
 - (i) transfer the aggrieved individual or the respondent to any other workplace;
 - (ii) grant leave to the aggrieved individual up to a period of 3 (three) months;
 - (iii) restrain the respondent from reporting on the work performance of the aggrieved employee or writing his/her confidential report, and assign the same to another officer; or
 - (iv) grant such other relief to the aggrieved individual as may be found to be appropriate.
- b. Once the recommendation of interim relief is implemented, the Chief Human Resource



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Officer ("CHRO")/employer shall send a report of such implementation to the IC.

10. IC Review and Report

- a. On the completion of the inquiry, the IC must, within 10 (ten) days from the date of completion of the inquiry, provide a report of its findings to the employer and the report will be made available to the concerned parties as well.
- b. Where the IC arrives at the conclusion that the allegations against the respondent have not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- c. However, where the IC concludes that the allegations against the respondent have been proved, then the employer shall, based on the recommendations of the IC, take such action against the offender as it deems fit, which action may include one or more of the following:
 - (i) take action for such sexual harassment as a misconduct in accordance with the Company's Employee Handbook.
 - (ii) demand a written apology;
 - (iii) warn, reprimand or censure the offender;
 - (iv) withhold promotion;
 - (v) withhold pay rise or increments,
 - (vi) require the offender to undergo a counselling session or carry out community service;
 - (vii) suspend the offender from service;
 - (viii) terminate the offender's services with immediate effect in the manner laid out for termination due to misconduct in the Employee Handbook; and/or
 - (ix) deduct such sum from the salary or wages of the offender, or direct him/her to pay such sum, as it may consider sufficient for compensation to the aggrieved individual or to the aggrieved individual's legal heirs as the case may be;



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11. Protection of the Complainant

The Company is committed to ensuring that no employee who brings forward a Sexual Harassment concern is subject to any form of reprisal. Any reprisal will be subject to disciplinary action in accordance with the Company's policy with respect to the foregoing, if any. The Company will ensure that the 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 and/or producing any forged or misleading document) will be subject to applicable disciplinary action in accordance with the Company's policy with respect to the foregoing, if any.

12. Confidentiality

- a. The following information listed below shall not be published, communicated or made known to the public, press and media in any manner:
 - (i) contents of the complaint;
 - (ii) identity and address of the aggrieved individual, respondent and witnesses;
 - (iii) any information relating to conciliation and inquiry proceedings;
 - (iv) recommendations of the IC; and
 - (v) action taken by the Company.
- b. Any person found violating this provision shall, in addition, to the penalty prescribed under law, be liable for appropriate disciplinary action by the Company, which may lead to termination.
- c. However, information may be disseminated regarding the justice secured to any victim of sexual harassment without disclosing the name, address, identity or any other particulars which may lead to the identification of the aggrieved individual and the witnesses.

13. Criminal Proceedings

Where the offence is punishable under the Bharatiya Nyaya Sanhita, 2023 or any other

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law, then, the IC may, at the request of the complainant, assist him/her, in taking appropriate action for filing a police complaint.

14. False/Malicious Complaint

In case the complaint is found to be false or malicious, the complainant shall, in addition to the penalty prescribed under law, if deemed fit, be liable for appropriate disciplinary action by the Company, which may lead to termination.

15. Third Party Harassment

Where sexual harassment occurs as a result of an act or omission by any third party or outsider who is not an employee of the Company, then the Company will take all necessary and reasonable steps to assist the employee in terms of support, preventive action and to initiate criminal action under the IPC or any other law as it may deem necessary.

16. Appeal

- a. Any person aggrieved by the recommendations made by the IC:
 - (i) where the allegation against the respondent has not been proved;
 - (ii) where the allegation against the respondent has been proved;
 - (iii) for punishment for filing of false or malicious complaints and evidence;
 - (iv) for punishment for publication or making known contents of the complaint and inquiry proceedings; or
 - (v) non-implementation of any such recommendations,may prefer an appeal in accordance with the provisions of law.
- b. The appeal against the recommendations of the IC must be made within 90 (ninety) days from the receipt of the recommendations.



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17. Record keeping system

Establishing a robust record-keeping system is essential for documenting complaints, inquiry, and outcomes related to Sexual Harassment cases. The organization shall ensure the following:

Comprehensive documentation: All complaints received, inquiry conducted, and outcomes determined are meticulously documented. This includes recording dates, details of the parties involved, evidence gathered, and the decisions made.

Confidentiality: The system shall prioritize the records shall be restricted to authorized personnel only, and measures shall be taken to protect sensitive information from unauthorized disclosure.

Compliance and retention: Record-keeping practices shall comply with relevant laws and regulations. Records shall be retained for the duration required by law and policy and will be disposed of securely once they are no longer needed.

Transparency and accountability: The system shall facilitate transparency in the process while maintaining confidentiality. It shall also support accountability by providing a clear trail of actions taken in response to each complaint.

18. Awareness

- a. The Company shall organize awareness sessions to:
 - (i) educate all employees of the Company about the provisions of this Policy, and promote gender-sensitive safe spaces and remove underlying factors that contribute towards a hostile work environment against women;
 - (ii) carry out employees' awareness programmes and create forum for dialogues which may involve panchayati raj institutions, gram sabha, women's groups, mothers' committee, adolescent groups, urban local bodies and any other body as may be considered necessary
 - (iii) carry out orientation programs and seminars for the members of the IC;
 - (iv) conduct capacity-building and skill-building programs for the members of the IC;
 - (v) declare the names and contact details of all the members of the IC; and

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- (vi) use modules developed by the appropriate state governments to conduct workshops and awareness programs for sensitizing the employees with the provisions of the Act.

19. Legal Compliance

- a. The IC shall in each calendar year prepare, in such format as may be prescribed, an annual report and submit the same to the Company's management and the District Officer (as defined in the Act). The report shall have the following details:
 - (i) number of complaints of sexual harassment received in the year;
 - (ii) number of complaints disposed of during the year;
 - (iii) number of cases pending for more than 90 (ninety) days;
 - (iv) number of workshops or awareness programs against Sexual Harassment carried out; and
 - (v) nature of action taken by the employer.

20. Responsibility

- a. Reporting managers (one or more reportees) are expected to take the necessary steps to ensure that Employees have a safe environment free from harassing, intimidating or offensive behaviour.
- b. Reporting managers shall consider fully, all complaints directed to their attention, fully maintain confidentiality and encourage reporting of matter to the applicable IC in a timebound manner.
- c. All employees are expected to take personal responsibility for upholding organization standards by treating all job applicants, colleagues, customers, contract and temporary personnel and any other individuals associated with the Company and its subsidiaries with utmost dignity and respect.



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- d. The employees must actively participate (and the reporting managers must ensure participation) in Company's prevention of Sexual Harassment awareness workshops and online training. It is the Employees' responsibility to go through the Policy and ensure they understand what behaviour comprises as 'Sexual Harassment' under the Act and this Policy.

21. Consequences of Violations of Policy

Any violation of this policy will be treated with the utmost seriousness and may result in significant consequences. The following outlines potential consequences for violations of sexual harassment policy:

- I. Disciplinary Action
- (i) **Verbal or Written Warning:** Depending on the severity and frequency of the violation, the individual may receive a formal warning. This warning will be documented and retained in the individual's personnel file.
 - (ii) **Suspension :** The individual may be suspended without pay for a specific period. Suspension serves as a serious warning and an opportunity for reflection and behavior.
 - (iii) **Demotion:** In cases where the individual holds a position of authority, demotion to a lower rank or reduction in responsibilities may occur.
- II. Termination of Employment: In cases of severe violations or repeated offences the organization may terminate the individual's employment immediately. This will be done in accordance with applicable employment laws and the organization's procedures.
- III. Legal Consequences
- Legal Action:* The organization reserves the right to report the violation to relevant authorities if it constitutes a criminal offence. The individual may face civil or criminal charges, depending on the nature of the violation.
- Liability for Damages:* If the violation results in harm to the Complainant or the organization, the individual may be held liable for damages. This could include compensatory and punitive damages, as well as legal fees.



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22. Malicious allegations

Where the Internal Committee arrives at the conclusion that the allegation against the Respondent is malicious or the Complainant has made the complaint knowing it to be false

or has produced any forged or misleading document, it may recommend to the company/organization to act against the Complainant. While deciding malicious intent, the Committee should consider that mere inability to substantiate a complaint need not mean malicious intent. Malicious intent must be clearly established through a separate inquiry.

In case a witness has given false evidence or produced any forged or misleading document during the inquiry, the Committee may recommend to the organization to act against the witness.

Confidentiality : This policy and the law prohibit any person including Internal Committee Members from publishing, communicating or making known to the public, press and media in any manner, the contents of the complaint, the identity and addresses of the Aggrieved Person, Respondent and witnesses, any information relating to conciliation and inquiry proceedings, or recommendations of the Internal Committee during the proceedings under the provisions of the Act. Any violation thereto shall also be subject to applicable disciplinary action.

23. Know Your Rights

- a. You have the right to take action to stop unacceptable and unwelcome behaviour.
- b. If you believe a particular behaviour towards you should stop, tell the person exactly what you find offensive and make it clear that it is unwelcome (do not think the harassment will go away – your silence could be taken for tacit consent).
- c. If you find this difficult to do or if the behaviour continues, discuss the situation with Human Resources (“**HR**”) department for further assistance or reach out to any member of the IC.



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24. General

- a. The rules governing the IC will be in accordance with the Supreme Court orders, the Act, the Rules or any other legislation enacted with respect to the same.
- b. If the IC receives an anonymous communication related to sexual harassment, it shall be brought to the attention of the Company's management for a thorough examination and a necessary plan of action to be communicated to the IC.
- c. All Employees are expected to be sensitive to any circumstances or behaviour among their colleagues which appear to go against the company policy on this matter. In case they become aware of any such incidence, they shall immediately inform the IC and take appropriate action as advised.
- d. This Policy prevails over all other policy documents, versions and appointment letters issued by the Company. The terms and conditions mentioned herewith are to be considered for any future references. The Company reserves the right to adopt, modify, revise, or amend this policy as may be deemed appropriate, at any time in whole or in part, for any reason and without prior notice, consent, or approval. The Company has absolute discretion to make the sole and final determination of any and all issues arising out of this Policy. This Policy contains proprietary and confidential information and is for internal use and distribution only.
