

## The Policy to Prevent and Deal with Sexual Harassment

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<b>Approved by</b>	<b>:</b>	<b>Ombudsperson</b>

## 1. Objective

This policy is in compliance with and incorporates provisions of **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“Act”)**. The objective of the Act is the protection of women at the work place from any form of overt or covert sexual harassment by providing a redressal mechanism that is time bound and equitable.

The company has zero tolerance towards any kind of verbal, psychological, physical offence/ act/ conduct of a sexual nature by any employee or partner/ vendor or any other stakeholder that directly or indirectly creates an intimidating, offensive, or hostile environment and will take all steps to deal with complaints effectively and quickly.

## 2. Scope & application

This policy applies to complaints of Sexual Harassment by an employee or third party who is associated with the company and its subsidiaries ( as mentioned below ) in any form at its Workplace, regardless of whether the alleged incident (s) or offence (s) has/ have occurred in or outside the Bharti office premises.

### List of subsidiaries:

S.No.	Name of the Subsidiary Company
1	Airtel Limited
2	Airtel Money Limited
3	Beetel Teletech Limited
4	Bharti Airtel Services Limited
5	Bharti Hexacom Limited
6	Bharti Telemedia Limited
7	Indo Teleports Limited
8	Nxtra Data Limited
9	Xtelify Limited

**Workplace shall include:**

- i. All offices or other premises where the Company's business is conducted.
- ii. Any place visited by the employee arising out of or during the course of employment including transportation provided by the Company.
- iii. Any social, business or other functions organized by the Company.

No person should be subjected to any form of unwanted and unwelcome behavior or conduct with sexual overtures or overtones, directly or indirectly, either physically, verbally or in writing.

The policy is gender neutral. Complaints from other genders will be heard and investigated as COC cases. Any complaint apart from a woman shall be examined and handled as per Code of Conduct of the Company.

**3. Definitions**

**Sexual Harassment**" – includes but is not limited to any of the following acts or behavior, whether direct or indirect that is unwelcome to the intended recipient. Sending or displaying text or visual messages of a sexual nature, from any device.

- 1) Physical contact and advances; or
- 2) a demand or request for sexual favors; or
- 3) making sexually colored remarks or remarks of a sexual nature about a person's clothing or body; or showing pornography, making or posting sexual pranks, inappropriate remarks or jokes or threats, sexual teasing, sexually demeaning or offensive pictures, cartoons or other material through email, SMS, MMS, etc.; or
- 4) calling, stalking, intimidating or pursuing a woman against her wishes; or
- 5) giving gifts that are sexually suggestive or offensive; or
- 6) eve teasing, innuendos and taunts; or
- 7) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

The following actions, along with those previously mentioned, also count as offences under the Act.

- 1) implicit or explicit promise for a preferential treatment at the workplace; or
- 2) implicit or explicit threat of detrimental treatment at the workplace; or
- 3) implicit or explicit threat about the employment status of the woman, in the present or in the future; or
- 4) interference with the woman's work, or creating a hostile and/ or offensive and/or

- a. intimidating and/or intimidating work environment; or
- 5) humiliating treatment that is likely to affect the woman's health or safety.

**“Complaint”** means a voiced objection or the allegation by the Complainant or any other person (whether in writing or oral) of sexual harassment by the Respondent that forms the basis of an investigation under this policy.

**“Complainant”** means the person (s) against whom an incident (s) of sexual harassment has been allegedly committed.

**“Respondent”** means a person against whom a complaint of sexual harassment has been made/filed.

#### **4. Internal Committee (IC)**

As required under the Act, the Company has constituted Internal Committees (region wise) that will investigate all complaints of sexual harassment. The name of the members of each of the committees, along with contact details will be displayed on the notice boards of the various offices and also on the company's website. Complaints may be filed with the office of the Ombudsperson or the regional IC in which the incident is alleged to have taken place. For example, if the complainant is located in Delhi, the complaint may be filed with the IC (North) or with the office of the Ombudsperson.

The members of the IC shall hold office for a period of three years and the company can renominate the existing members, or nominate another person to replace a member who vacates office for any reason including resignation from the company's service. The company has also appointed an external member who is from a recognized Non-governmental organization or associations committed to the cause of women or a person familiar with issues relating to sexual harassment.

#### **5. Procedure for making and handling of complaints and enquiry**

The Procedure for dealing with complaints shall be as follows:

- a) A complaint may be made orally but preferably in writing by the Complainant within 3 months of the alleged incident or the last of such incidents, as applicable and may be extended by the IC a cause.
- b) The IC may before initiating an inquiry, on a request from the complainant, take steps

to settle the matter between the Complainant and the Respondent through conciliation. No monetary settlement shall be made on this basis. When the parties have agreed on a settlement, the relevant IC shall record the same, copies of which shall be provided to both parties and take suitable action in terms of the settlement. The matter will then be treated as closed and no further enquiry shall be conducted.

- c) If the settlement is not complied with for any reason, or a settlement is not reached between the parties, the IC shall proceed with an inquiry, allowing both the parties to explain their case as well as submit any evidence in support of their statements.
- d) During an inquiry the IC may recommend any interim relief to the complainant if a written request is received including :
  - i. transfer of the complainant or the Respondent to any other location; or
  - ii. grant leave to the complainant up to a period of three months that will be in addition to any other entitled leave
- e) For the purpose of making an inquiry, the IC 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, namely:-
  - i. summoning and enforcing the attendance of any person and examining on oath;
  - ii. requiring the discovery and production of documents/ records; and any other matter which may be prescribed
- f) On completion of the inquiry, the IC shall send a report on the findings to the business head within 10 days and the relevant extract or a summary of the findings shall be given to the complainant and Respondent.
- g) If the allegations are established after due process and investigation, depending on the nature and seriousness of the offence, the recommendations will be sent to the business leadership for implementation in terms of the consequence management policy of the company, applicable and may include without limitation, the following. :-
  - i. A warning letter to be issued in writing
  - ii. Deferment of increment or promotion
  - iii. Transfer, termination or resignation
  - iv. Deduction of a sum, from the salary of the Respondent as deemed appropriate by the IC depending on the facts of each case, such sum shall be paid to the complainant
  - v. If the Company is unable to make such deduction from the salary of the Respondent due to absenteeism, cessation of employment and such, the IC may direct to the Respondent to pay such sum to the complainant.
- h) The company shall act upon the recommendation within sixty days of its receipt.
  - i. If the complaint is not substantiated, a report of the same will also be sent by the IC to Business for records.

## **6. Punishment for false or malicious complaint and false evidence**

If the IC concludes that the allegations were malicious or frivolous, it may after due enquiry, recommend action against the Complainant that may include deferment of annual increment, promotion, warning letter, transfer or resignation. Mere inability to substantiate a complaint or lack of adequate proof will not be held against the complainant.

## **7. Confidentiality**

All matters and proceedings relating to the Complaint including the identity of the Complainant and Respondent shall remain strictly confidential and will not be disclosed except to a competent court or a governmental agency that has the right under the law and regulation to obtain such information. The confidentiality protocol will remain in place for a period of six months after the complaint has been closed. However, the recommendation of the IC and its implementation may be intimated on a need to know basis for cause. Any person who breaches the confidentiality requirement shall be penalized.

## **8. Revision of recommendations**

Any person who does not agree with the recommendations made or non-implementation of such recommendations may prefer an appeal before the Court of competent jurisdiction, as per Rules.

## **9. Assurance against Retaliation**

Employees are encouraged to express freely, responsibly, and in an orderly way opinions and feelings about any problem or complaint of sexual harassment. Retaliation against persons who report or provide information about Sexual Harassment or behavior that might constitute Sexual Harassment is also strictly prohibited. Any act of reprisal, including internal interference, coercion, and restraint, by an employee, violates this policy and will result in appropriate disciplinary actions.

## **10. Third Party involvement**

Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, the company will take all steps necessary and reasonable to assist the affected person in terms of support and preventive action.

## 11. Penal Consequences under the Bharatiya Nyaya Sanhita (BNS)

Conduct that may be construed as sexual harassment not only violates the Prevention of Workplace Sexual Harassment Act but also could constitute an offence under the BNS. Listed out below are the key offenses under the BNS in a case of sexual harassment.

S. No.	Section	Offence	Punishment	Cognizable/ non-cognizable
1.	74	<b>Outraging the modesty of a woman</b> Assault or use of criminal force to any woman with intent to or knowing it be likely to outrage her modesty	Imprisonment for 1 year which may extend to 5 years and fine	Cognizable
2.	75	<b>Sexual Harassment by a man</b> i. Physical contact and advances involving unwelcome and explicit sexual overtures; or ii. Demand or request for sexual favours; or iii. Showing pornography against the will of a woman; or iv. Making sexually coloured remarks	For offences listed under (i), (ii), and(iii): Rigorous imprisonment which may extend to 3 years, or fine, or both. For offence listed under (iv): imprisonment which may extend to one year, or fine, or both.	Cognizable
3.	76	Assault or use of criminal force to woman with intent to disrobe Assault or use of criminal force to any woman or abet such act with the intention to disrobe or compel her to be naked	Imprisonment of not less than 3 years but which may extend to 7 years, and fine	Cognizable
4.	77	<b>Voyeurism</b> Watch or capture the image of a woman engaging in private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminate such image.	<b><u>First Conviction:</u></b> Imprisonment of not less than 1 year but which may extend 3 years, and fine. <b><u>Second/ Subsequent Conviction:</u></b> Imprisonment of not less than 3 years but which may extend to 7 years, and fine.	Cognizable

5.	78	<p><b>Stalking</b> Follow a woman and contact, or attempt to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest of such woman; or Monitor the use by a woman of the internet, email or any other form of electronic communication.</p>	<p><b><u>First Conviction:</u></b> Imprisonment which may extend to 3 years, and fine. <b><u>Second/ Subsequent Conviction:</u></b> Imprisonment which may extend to 5 years, and fine.</p>	Cognizable
6.	79	<p><b>Insulting the modesty of a woman</b> Utter any words, make any sound or gesture, or exhibit any object in any form, intending that such word or sound shall be heard, or that such gesture or object shall be seen by a woman, with an intention to insult her modesty, or intrude upon the privacy of such woman.</p>	Simple Imprisonment which may extend to 3 years, and fine	Cognizable

## 12. Modifications

Management reserves the right to modify or terminate this policy without prior notice.

## 13. Policy owner

This policy is owned by the Ombudsperson, Bharti Enterprises  
Contact details: [ombudsperson@bharti.in](mailto:ombudsperson@bharti.in)

## 14. Policy status

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