

POLICY ON PREVENTION OF SEXUAL HARASSMENT

POLICY UNDER THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

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1. SHORT TITLE AND EXTENT

- 1.1 BSES Yamuna Power Limited (the "Company") is an equal employment opportunity employer. The Company is committed to providing a safe and secure working environment at its offices. The Company prohibits Sexual Harassment and believes that all Employees have a right to be treated with dignity and respect. This version of the policy is effective from 01.04.2020 and supersedes all prior policies and communication on this matter.
- This Policy is implemented pursuant to the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (the "Act") read with the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Rules, 2013 (the "Rules"). Pursuant to the Act and Rules, the Company has constituted Complaints Committee(s) which exercise powers to address the Complaints of Sexual Harassment.
- 1.3 This Policy extends to all the Employees of the Company and, amongst others, to third party individuals associated with the Company or otherwise visiting the Company's office premises or its workplace. However, in case of any conflict between this policy and provisions of the Act & the Rules, the later will prevail.

SCOPE

This Policy shall be applicable to all the allegations of Sexual Harassment by a Complainant against an Accused, if the Sexual Harassment is alleged to have taken place at the office premises of the Company or at places visited by Employees in connection with the work of the Company (such as hotels, client offices etc.) including transportation provided by the Company for undertaking such journey.

3. **DEFINITIONS**

- In this Policy, unless the context otherwise requires, the following words and terms shall have the following meanings:
- (a) "Accused" shall mean any Employee and/or a third person associated with the Company, rendering services to the Company, a client of the Company or any person present on the premises of the Company or at places visited by the Employees in connection with work of the Company (such as hotels, client offices) including transportation provided by the Company for undertaking such journey or any person with whom an Employee may come into contact in the course of her employment or other engagement with the Company, who is accused of Sexual Harassment.



- (b) "Appellate Authority" shall mean the appellate authority as prescribed under the service rules for the relevant category of employees, where there are no service rules in this regard, the schedule of authority for disciplinary matters will be applicable.
- (c) "Company" shall mean BSES Yamuna Power Limited, a company incorporated under the Companies Act, 1956 and having its registered office at Shakti Kiran building, Karkardooma, Delhi-110032.
- (d) "Complaint" shall mean a complaint filed by a Complainant on account of Sexual Harassment. Notwithstanding anything contained elsewhere in this Policy, it is clarified that the above definition of the term "Complaint" will not include anonymous complaints of Sexual Harassment wherein the identity of the Complainant is not mentioned.
- (e) "Internal Complaints Committee" shall mean the committee nominated by the employer in accordance with the provisions of the Act to investigate all Complaints related to Sexual Harassment received from Complainants.
- "Complainant" shall mean a woman Employee of the Company and/or a woman of any age associated with the Company, rendering services to the Company, a client of the Company, visiting the Company or otherwise present on any of the office premises of the Company, who has been subject to any incident of Sexual Harassment at the premises of the Company or at places visited by the Employees in connection with work of the Company (such as hotels, client offices) including transportation provided by the Company for undertaking such journey or any person with whom an Employee may come into contact in the course of her employment or other engagement with the Company and/or has filed a Complaint of Sexual Harassment with the Complaints Committee.
- (g) "Employee" shall mean and include all the employees of the Company employed for any work on regular, temporary, contractual basis, employee on ad-hoc or daily wage basis, employees who are serving the Company on deputation from other organisations, 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 also includes coworker, probationer, trainee, apprentice or called by any other such name.

Notwithstanding anything contained elsewhere in this Policy, it is clarified that the above definition of the term "Employee" is intended solely for the purposes of this Policy and will not, under any circumstance, entitle a person covered under the above definition to claim the status of an employee of the Company for any other purpose and/or under any other law.



- (h) "Employer" shall mean a person responsible for management, supervision and control of the day to day affairs of the Company.
- (i) **"Enquiry"** shall mean an enquiry instituted by the Complaints Committee to investigate a Complaint of Sexual Harassment.
- (j) "Policy" shall mean this policy notified as BSES Yamuna Power Limited Policy for Prevention of Sexual Harassment.
- (k) "Sexual Harassment" shall mean and include any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:
 - (i) physical contact and 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.

Further, 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.
- (I) "Special Educator" shall mean a person trained in communication with people with special needs in a way that addresses their individual differences and needs.
- (m) "Workplace" shall mean premises, locations, establishments, enterprises, institutions, offices, branches or units established, subsidiaries which are controlled by the company. It includes places visited by the employee arising out of or during the course of employment including official events, accommodation and transportation provided by the employer for undertaking a journey.

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3.2 Words and expressions used and not defined in this Policy but defined in the Act and Rules framed thereunder shall have the meanings respectively assigned to them in the said Act and Rules.

4. RESPONSIBILITY OF EMPLOYEES UNDER THIS POLICY

All Employees shall at all times, comply with the following:

- (i) maintain high standards of dignity, respect and positive regard for one another;
- (ii) understand and appreciate the rights of the individual to be treated with dignity;
- (iii) maintain a work environment, which is free from any kind of harassment; and
- (iv) refrain from committing or abetting any acts of Sexual Harassment.

5. CONSTITUTION OF THE COMPLAINTS COMMITTEE

- The employer has constituted the Complaints Committee for the Company in accordance with the Act to consider and redress complaints of Sexual Harassment made by an aggrieved Employee and for ensuring time bound treatment of such Complaints. The details of the members of the Complaints Committee is provided in Annexure A to this Policy.
- 5.2 The Internal Complaints Committees have the following composition:
- 5.2.1. Presiding Officer, who shall be a senior level woman. In case a senior level woman employee is not available, the Presiding Officer shall be appointed from a sister organization;
- 5.2.2. Not less than two members from amongst members shall be committed to the cause of women or who have had experience in social work, or have legal knowledge;
- 5.2.3. One member from a nongovernment organization or association committed to the cause of women, or person familiar with the issues of sexual harassment.
- 5.2.4. Provided that at least fifty per cent of the members so nominated shall be women.
- 5.3 Any member of the Complaints Committee appointed in his/her capacity as an Employee shall automatically cease to be a member of the Complaints Committee on ceasing to be an Employee for any reason whatsoever.

6. POWERS AND DUTIES OF THE COMPLAINTS COMMITTEE

6.1 The powers and duties of the Complaints Committee will be as follows, namely:

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- to process Complaints of Sexual Harassment and to take suitable action in the manner and mode particularly provided hereafter; and
- (ii) to do all such acts and things as may be necessary to carry out the objects of the Policy and comply with provisions of the Act.
- 6.2 For carrying out its duties under this Policy, the Complaints 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, namely: -
 - (i) summoning and enforcing the attendance of any person and examining him/her on oath;
 - (ii) requiring the discovery and production of documents; and
 - (iii) any other matter which may be prescribed under the Act.

7. PROCEDURE TO FILE A COMPLAINT

- 7.1 Any Complainant may lodge a written Complaint against an Accused with any of the member/s of the Complaints Committee. If the Complainant is unable to make the Complaint in writing, the presiding officer or any member of the Complaints Committee shall render all reasonable assistance to the Complainant for making the Complaint in writing.
- 7.2 Where a Complainant is unable to lodge a Complaint on account of her physical incapacity, a Complaint may be lodged by: -
 - (i) her relative or friend; or
 - (ii) her co-worker; or
 - (iii) an officer of the National Commission for Women or the State Women's Commission; or
 - (iv) any person who has knowledge of the incident of Sexual Harassment faced by the Complainant, with the written consent of the Complainant.
- 7.3 Where a Complainant is unable to lodge a Complaint on account of her mental incapacity, a Complaint may be lodged by: -
 - (i) her relative or friend; or
 - (ii) a Special Educator; or
 - (iii) a qualified psychiatrist or psychologist; or
 - (iv) the guardian or authority under whose care the Complainant is receiving treatment or care; or



- (v) any person who has knowledge of the incident of Sexual Harassment faced by the Complainant, jointly with her relative or friend or a Special Educator or qualified psychiatrist or psychologist or guardian or authority under whose care the Complainant is receiving treatment or care.
- 7.4 Where a Complainant is unable to lodge a Complaint for any reason, other than on account of her physical or mental incapacity, a Complaint may be lodged by any person who has knowledge of the incident of Sexual Harassment faced by the Complainant, with the written consent of the Complainant.
- 7.5 Where a Complainant is dead, a Complaint may be lodged by any person who has knowledge of the incident of Sexual Harassment faced by the Complainant, with the written consent of the legal heirs of the Complainant.
- Such Complaint should be preferred within a period of 3 (three) months from the date of occurrence of the incident of Sexual Harassment and in case of a series of such incidents, within a period of 3 (three) months from the date of the last incident. The Complaints Committee may, for reasons to be recorded in writing, extend the time limit for filing of Complaint for a further period of 3 (three) months if it is satisfied that circumstances existed which prevented the victim from filing the Complaint with the prescribed time period. If the Complaints Committee determines that a Complaint should not be accepted, it shall record the reasons in writing for rejecting the Complaint.
- 7.7 At the time of lodging of the Complaint, the Complainant or the other person(s) specified hereinabove, shall submit 6 (six) copies of the Complaint along with supporting documents and the names and addresses of the witnesses.
- 7.8 In case any member of the Complaints Committee or anyone involved in the investigation of the Complaint has a Conflict (as defined below in Clause 7.10 below) for that Complaint, he/she shall disclose the same to the Complaints Committee within one (1) Working Day from the date of receipt of the Complaint and excuse himself/herself from the Complaints Committee. Such conflicted member shall not participate any further in the proceedings of that particular Complaint and shall continue to be bound by the obligation to retain complete confidentiality with respect to his/her knowledge of the facts of the Complaint or any information relating thereto.
- 7.9 Upon receipt of such intimation from the conflicted member, the presiding officer or where the presiding officer is the conflicted member, any other member of the Complaints Committee shall immediately write to the employer for a substitution of such member for the concerned Complaint.



7.10 The employer shall nominate a person in place of the conflicted member within 2 (two) Working Days from the date of receipt of such request from the presiding officer or any other member of the Complaints Committee, as the case may be. The person so nominated by the employer in place of the conflicted member shall participate in all the meetings/proceedings held by the Complaints Committee for that particular Complaint and shall have all such powers and responsibilities as referred to under this Policy.

For the purpose of this Policy, a "Conflict" shall be deemed to have arisen, if a member of the Complaints Committee happens to be the immediate supervisor or directly reports to or is a relative of the Complainant or the Accused or is the Accused and/or is witness for the purpose of proving the case of either party to the Complaint.

- 7.11 Within 10 (ten) Working Days from the date of receipt of the Complaint, the Complaints Committee shall hold a meeting of which advance intimation shall be given to the Complainant. At the meeting, the Complaints Committee shall decide whether the Complaint requires to be proceeded with. The Complaint shall be dropped only if the Complaint prima facie does not disclose Sexual Harassment. In case the Complaints Committee decides at its first meeting to proceed with the Complaint, it shall send a copy of the Complaint received by it along with supporting documents and the names and addresses of the witnesses to the Accused within the next 7 (seven) working days or in a manner that it is sent to the Accused by the Complaints Committee within 15 (fifteen) working days from the date of receipt of the Complaint by the Complaints Committee.
- 7.12 The Accused shall file his/her reply to the Complaints Committee along with his list of documents and names and addresses of witnesses, within ten (10) Working Days from the date of receipt of the copy of the Complaint.
- 7.13 If, in accordance with the Act and/or the Rules, a person authorised to make a Complaint on behalf of the Complainant under Clause 7.2 to Clause 7.5 of this Policy, files a complaint then the person filing the Complaint shall be responsible for doing all such things as may be required to be done by a Complainant under this Policy, unless otherwise specified under the Act and/or Rules.

8. ENQUIRY & INVESTIGATION PROCEDURE

8.1 The Internal complaints committee shall conduct enquiry, where the respondent is an employee, into the complaint in accordance with the provisions of the service rules applicable to the respondent and where no such rules exist, in such manner as is prescribed.

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- 8.2 Before initiating an Enquiry, the Internal Complaints Committee may, at the written request of the Complainant, take steps to settle the matter between the parties through conciliation. However, no monetary settlement shall be made as a basis of conciliation. In the conciliation proceedings, the Complaints Committee shall provide every reasonable opportunity to the Complainant and to the Accused, for putting forward and defending their respective case.
- 8.3 In case a settlement has been arrived between the parties under Clause 8.1 above, the Complaints Committee shall record the settlement so arrived and forward the same to the employer and provide copies of the settlement to the parties. After successful settlement of the Complaint, no Enquiry shall be conducted by the Complaints Committee, except for the reasons stated under Clause 8.3 below.
- 8.4 The Complaints Committee shall start with a formal Enquiry in respect of a Complaint in the following cases:
 - (i) no written request has been made by the Complainant for settlement of the Complaint through conciliation; or
 - (ii) the Complaints Committee forms the view, after conciliation has commenced that the parties could not arrive at a settlement under Clause 8.1 above; or
 - (iii) the Accused fails to adhere to the terms of the settlement arrived under Clause 8.1.
- 8.5 The Enquiry may be conducted by the Complaints Committee at such place and time which is convenient for the Complainant. The Complainant must also submit all available corroborative material with a documentary proof, oral or written material, etc., to substantiate her Complaint.
- 8.6 No legal practitioners shall be allowed to represent the parties before the Complaints Committee.
- 8.7 If the Complainant desires to tender any documents by way of evidence before the Complaints Committee, she shall supply true copies of such documents to the Accused. Similarly, if the Accused desires to tender any documents in evidence before the Complaints Committee he shall supply true copies of such documents to the Complainant.
- 8.8 The Complainant and the Accused shall have the right to lead evidence and the right to cross-examine witnesses of the other party, as the case may be.
- 8.9 Sufficient opportunities shall be given to examine all witnesses notified by both parties.

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- 8.10 The Complainant or the Accused, as the case may be, shall submit their further explanation to the Complaints Committee within such period as may be laid down by the Complaints Committee.
- 8.11 The Complaints Committee shall have the right to terminate the Enquiry proceedings or to give an ex-parte decision on the Complaint, if the Complainant or Accused fails to present herself or himself, without sufficient cause, for three (3) consecutive hearings convened by presiding officer of the Complaints Committee. However, such termination or ex-parte order shall not be passed without giving a fifteen (15) days' prior notice in writing to the Complainant or the Accused, as the case may be.
- 8.12 The Complaints Committee shall complete the Enquiry procedure within a period not exceeding ninety (90) days from the date of commencement of the Enquiry pursuant to Clause 8.3 above and the Complaints Committee shall provide a report of its findings to the employer, the Complainant and the Accused within a period of ten (10) days from the date of completion of such Enquiry (the "Enquiry Report").
- 8.13 Where both parties are Employees, the Complaints Committee shall during the course of the Enquiry and prior to issuing the Enquiry Report make available a copy of its findings to both the parties to enable them to make a representation against the findings before it.

REDRESSAL PROCESS

- 9.1 The Enquiry Report shall contain the decision of the Complaints Committee along with appropriate recommendation for the employer. Where the Complaints Committee arrives at the conclusion that the allegation against the Accused has not been proved, it shall recommend to the employer that no action is required to be taken in the matter.
- 9.2 On the other hand, if the Complaints Committee arrives at the conclusion that the allegation against the Accused has been proved, it shall recommend to the employer to take any of the following actions against the Accused:
 - (i) take action against the Accused for Sexual Harassment as a misconduct in accordance with the provisions of Clause 9.5 below; and
 - (ii) deduct from the salary or wages of the Accused such sum as it considers appropriate to be paid to the Complainant or her legal heirs as determined by it (the "Monetary Compensation").
- 9.3 For determination of the Monetary Compensation to be paid to the Complainant under Clause 9.2 (ii) above, the Complaints Committee shall have regard to the following:

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- (i) the mental trauma, pain, suffering and emotional distress caused to the Complainant;
- (ii) the loss in the career opportunity due to the incident of Sexual Harassment;
- (iii) medical expenses incurred by the Complainant for physical or psychiatric treatment;
- (iv) the income and financial status of the Accused; and
- (v) feasibility of such payment in lump sum or in instalments.
- The employer will direct appropriate action in accordance with the recommendation proposed by the Complaints Committee within sixty (60) days of receipt of the Enquiry Report. Further, in case the employer is unable to deduct the Monetary Compensation from salary or other amounts payable to the Accused due to his being absent from duty or cessation of employment, the employer may direct the Accused to pay such sum directly to the Complainant or, if the Complainant is deceased, to her legal heirs.
- 9.5 The Complaints Committee shall recommend to the employer to take, amongst others, any one or more of the following actions against an Accused found guilty of Sexual Harassment:
 - (i) require such Employee to submit a written apology to the Complainant; or
 - (ii) require such Employee to undergo a counselling session or carry out community service;
 - (iii) issue a written warning, reprimand or censure to such Employee; or
 - (iv) withhold the promotion of such Employee; or
 - (v) withhold any pay rise or increment of such Employee; or
 - (vi) terminate the employment or other engagement of the Employee.
- 9.6 In the event, the Accused fails to pay the Monetary Compensation referred to in Clause 9.2 above, the employer shall inform the Complaints Committee which may forward the order for recovery of such sum as arrear of land revenues to the concerned District Officer.

10. INTERIM RELIEF DURING PENDENCY OF ENQUIRY

- During the pendency of an Enquiry the Complaints Committee may, on a written request made by the Complainant, recommend to the employer for providing the following relief(s) to the Complainant:
 - (i) transfer the Complainant or the Accused to any other work place; or
 - (ii) grant paid leave to the Complainant up to a period of three (3) months, in addition to the leave she would be otherwise entitled to; or
 - (iii) restrain the Accused from reporting on the work performance of the

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Complainant or writing her appraisal report and assign such tasks to another Employee of the Company.

10.2 The employer shall implement such recommendation promptly after receiving the recommendation of the Complaints Committee in accordance with Clause 10.1 above and shall send the report of such implementation to the Complaints Committee.

11. FALSE OR MALICIOUS COMPLAINT

If during the course of an Enquiry, the Complaints Committee finds that the Complainant has filed the Complaint knowing it to be false or malicious or any misleading or forged evidence were produced or any witness has given false evidence/misleading documents for maligning the concerned individual or to settle personal/professional grudges, the Complaints Committee may recommend to the employer to take suitable disciplinary action against such Complainant/witness as set out in Clause 9.5 above. It is clarified that a mere inability to substantiate a complaint or provide adequate proof will not attract the above provision. Further, the malicious intent on the part of a Complainant/witness needs to be established in an Enquiry before any disciplinary action is recommended against the Complainant/witness.

12. PROTECTION OF COMPLAINANT

- 12.1 The employer shall provide all necessary assistance for the purpose of ensuring full, effective and speedy implementation of this Policy.
- 12.2 Where Sexual Harassment occurs as a result of an act or omission by any third party or outsider, the Company and the Complaints Committee shall take all steps necessary and reasonable to assist the Complainant in terms of support and preventive action.

13. DOCUMENTATION & ANNUAL REPORT

- 13.1 The Complaints Committee shall keep complete and accurate documentation of every Complaint, its investigation and the resolution thereof.
- The Complaints Committee shall, at the end of each calendar year, analyse all the Complaints and prepare a report for submission to the employer and the District Officer. The aforesaid annual report shall comprise of 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 ninety days;

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14. PROVISIONS FOR APPEAL

Any person aggrieved with the recommendations of the Complaints Committee as contained in the Enquiry Report or the non-implementation of such recommendations, may prefer an appeal to the Appellate Authority within a period of 90 (ninety) days from the date of the recommendations.

15. CONFIDENTIALITY

- All Complaints of Sexual Harassment shall be taken very seriously by the Company and shall be held in strict confidence. All the Employees are duty bound to maintain complete confidentiality in relation to the identity and address of the Complainant, Accused and witnesses, any information relating to conciliation and Enquiry proceedings, recommendations of the Complaints Committee and the action taken by the Company. In cases where key witnesses or other stakeholders are required to be taken into confidence for the purpose of completing the investigation, the same shall be done only at the strict discretion of the Complaints Committee.
- Any Employee responsible for breach of the confidentiality provisions detailed under Clause 15.1 of this Policy shall be subject to suitable disciplinary actions and the employer/Company shall recover a sum of Rs.5,000/- (Rupees Five Thousand only) as penalty from such person.

16. DISSEMINATION OF THE POLICY

This Policy shall be notified and circulated to all the Employees of the Company and also be available on the intranet of the Company.

OVERRIDING EFFECT

Notwithstanding anything stated elsewhere in this Policy, this Policy shall be subject to the applicable provisions of the ACT and rules made there in under.

18. Removal of Doubts

If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the employer or such other authority as may be specified by the employer by general or special order and the employer or such other authority shall decide the same.

ANNEXURE A

MEMBERS OF COMPLAINTS COMMITTEE

Corporate ICC					
	Name	Designation	Department		
Presiding Officer	Mrs. Shailly Singh	AsVP	HR		
Member	Mr.Rohit Sharma	DGM	Legal		
Member	Mrs. Harsh Bhagat	DGM	Head(Operations)		
Member	Mrs. Seema Taneja	AFO	Administration		
Member-NGO	Mrs. Radha Bhardwaj	Member-NGO			
NE Circle					
Presiding Officer	Mrs. Geetha Lekshmi. J	DGM	HR		
Member	Mrs. R. Meenakshi	AAO	Business GTR		
	Mr. Vipul Jayantibhai				
Member	Suthar	Sr. Manager	Business YVR		
Member	Mr.Pawan Kumar Mahur	Manager	Legal		
Member-NGO	Mrs. Radha Bhardwaj	Member-NGO			
SE Circle					
Presiding Officer	Mrs. Shalini Singh	DGM	BM(D)LNR		
Member	Mrs. Uma Bhatia	DGM	HR(DC)		
Member	Mr. Sachin Shisodia	Sr. Manager	Business KRN		
Member	Mr. Imran Ulhaq Siddiqi	Manager	Legal		
Member-NGO	Mrs. Radha Bhardwaj	Member-NGO			
Central Circle					
Presiding Officer	Mrs. Nirmala Anand	DGM	Business CCK		
Member	Mrs. Seema Rawat	Manager	Business CCK		
Member	Mr. Tajender KrYadvanshi	Sr. Manager	Business DRG		
Member	Mr. Sushil Kumar	DGM	Legal		
Member-NGO	Mrs. Radha Bhardwaj	Member-NGO			