



KARNATAKA CHAPTER

THE HUMAN RESOURCE

Issue 02 | October - December 2021



FUTURE OF WORK, WORKPLACE & WORKFORCE

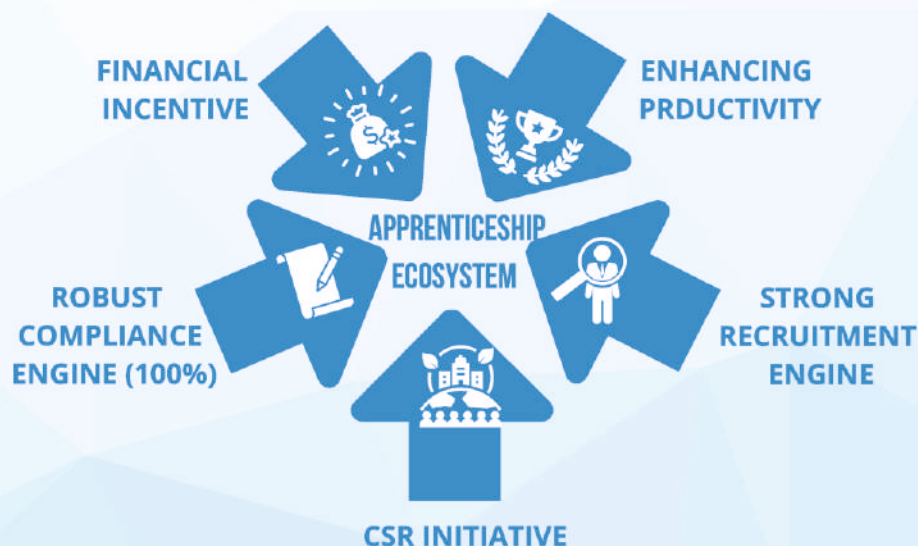
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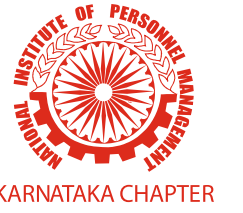
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CHAIRMAN'S MESSAGE

Dear Members,

Warm greetings!! I wish you all a very Happy and Prosperous 2022!!

NIPM KC is coming up with its next quarterly magazine “**THE HUMAN RESOURCE**”. In the previous quarter, our activities have gained momentum. With the support of Executive committee, we have been able to organise many activities. During last quarter, we conducted training programs on POSH, WAGE CODE, Evening lecture programs on BEST PLACE TO WORK and a workshop on National Apprentice scheme. We have tied up with two organisations - GOLDEN EYE and QUESS CORP as Principal sponsors, for next two years.

Under our INDUSTRY-INSTITUTE CONNECT programme, we have installed student chapters in 4 prestigious institutes and conducted STUDENT - INDUSTRY INTERFACE sessions in all four institutions for the benefit of the students.

I would like to take this opportunity to thank all the Executive Committee members, whose persistent efforts helped us to make this quarter eventful and fruitful, in spite of all the adverse Covid -19 situations. I am immensely grateful to all the members for your support, guidance and active participation in all the initiatives taken during this quarter.

Activities planned for the next quarter are facing hindrances due to the present pandemic situation. Our team has plans to conduct valued programmes in collaboration with few organisations like EXPLORA EDUCATION PVT. LTD., a Consulting firm from Ahmedabad.

We are delighted to share with you that we have enrolled 145 new life-members to NIPM-KC during the membership drive.

Our IT and Website Committee is working on revamping NIPM KC website. Very soon we will have our website with new look and better features.

As always, we would appreciate new ideas and initiatives from the members which could enhance the quality of NIPM-KC activities. We acknowledge your continuous support for the chapter's activities and expect similar support in the days to come.

Take care.

Warm Regards
Robert Cutinha
Chairman - NIPM - KC



KARNATAKA CHAPTER

EDITORIAL MESSAGE



Dear Reader,

As we put together this Quarterly issue, which we originally intended to launch during the HR Professionals Day later in January, 2022, our fervour was interrupted by the newer variant of the Corona virus. However, it turned out to be the apt prologue.

In this issue, we have deliberated on **'THE FUTURE OF WORK, WORKPLACE AND WORKFORCE'**. While the innumerable deaths due to the Delta variant are still fresh in our minds, we are faced with yet another variant which is slowly setting in fear amongst us. While we all NOW agree that going away from home to a workplace is predominantly joyful, barring the usual quirks and nuances of team work & power play, we are now faced with a dilemma of choosing between physical health and mental health.

This issue comprises of articles and information that become essential in the new normal. We have an article on HR Analytics by Dr. Jay B Simha, an article on Cyber security by Advocate Mr. Swaroop Anand, Experience sharing regarding the New Normal by Industry experts Mr. Jagan (Real estate sector), Ms. Samata (Digital Healthcare sector) and Ms. Kalpana (Garment sector). We also have some case studies shared by Mr. Vittala Rao and Mr. Bhima Rao, who are industry experts with extensive experience. We end the series of articles with some inputs on mental wellness by Dr. Praveen Pankajakshan. We have made an attempt at creating a designated space for Technology Review to introduce latest tools and technology designed to help businesses cope with the onset of challenges brought on by the new normal.

We have also captured in this issue the events and programmes that were conducted from October 2021 - December 2021. We have also shared with you the programmes/events that we wish to conduct in the coming months, for which we look forward to your participation.

We welcome members to share their suggestions on what subject/theme they are keen on exploring. An e-mail may be sent tonipmkc@gmail.com with your ideas which will be considered by us. We are certain that The Human Resource will be not just a good read, but something worth preserving.

Mrs. Karuna .S.G

Chairperson - Editorial Committee

EC member, NIPM - KC (2021-23)

ADOPTING HR ANALYTICS - SIX STEPS TO EPIPHANY



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Introduction

Human resource is the life blood of enterprises. It has been estimated that 70% of all enterprise knowledge is encoded implicitly with the employees. Any change in the loyalty and job involvement of these high value employees will adversely affect the organization. Companies have started the reporting and Key Performance Indicator (KPI) driven culture to get the better engagement with the employees. However, both these approaches do not adopt and will



Praveen M.P
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not give the predictive insights to the employee base profiles and behavior. Any such predictive information is likely to reduce the negative effects of the employee disengagement or attrition and also improve the performance by timely intervention for learning and development.

Analytics is a way of quantifying the risks/opportunities and analyzing the data for actionable insights. At a practical level there are four different categories of analytics, which are currently used in the industry.

Analytics	Function	Examples
Descriptive	To provide visual and tabular view of insights	<ul style="list-style-type: none">• Dashboards• Pivot tables
Diagnostic	To explore the reasons for an effect	<ul style="list-style-type: none">• Decision Trees• Rules
Predictive	To provide the KPI value in a near future	<ul style="list-style-type: none">• Linear regression• Neural networks
Prescriptive	To provide recommendation of Next Best Action (NBA)	<ul style="list-style-type: none">• Rules• NBA List report

Table 1. Analytics categories

Analytics will provide actionable insights and predictive clues as well as list of at risk or suitable employees for several interventions like recruitment, training, retention etc.

HRAnalytics

Using analytics in HR, will provide timely insights and predictive clues for effective actions from the organization. In this paper, we introduce the six best practices for adopting the HR analytics that have been observed by implementing HR analytics in multiple scenarios. The proposed best practices are grouped into two categories as follows:

Develop a data culture

One of the paradigms shifts that is expected in an organization is to move away from Management By Walking around (MBWA) to Evidence Based Management (EBM). This is needed to move from gut feel based decision to data driven, evidence-based decisions. This can be initiated with the following three best practices.

- Move up the value pyramid
- Profile the KPIs
- Experiment, Experiment, Experiment

Think big - start small

It is good to have a big picture of the process

and results of adopting analytics into HR practice. This can be achieved by the following three best practices.

- Implement employee base analysis
- Focus on key areas and key metrics of HR functions
- Discover the domain knowledge explicitly

Each of the best practice is briefly discussed with suitable examples to initiate the thought process of adopting analytics in HR in the following paragraphs.

Best practice #1: Move up the value chain

Most agree on the maturity levels of the HR in organizations in adopting the analytics. It is not that the analytics is not there in HR, but the effectiveness is not as expected. In order to get the better benefits from the HR analytics, it is necessary for the organizations to assess the current level of maturity, consolidate and move to the next level. Interestingly 70% of the organizations are at level 1 and only 5% are in level 4.

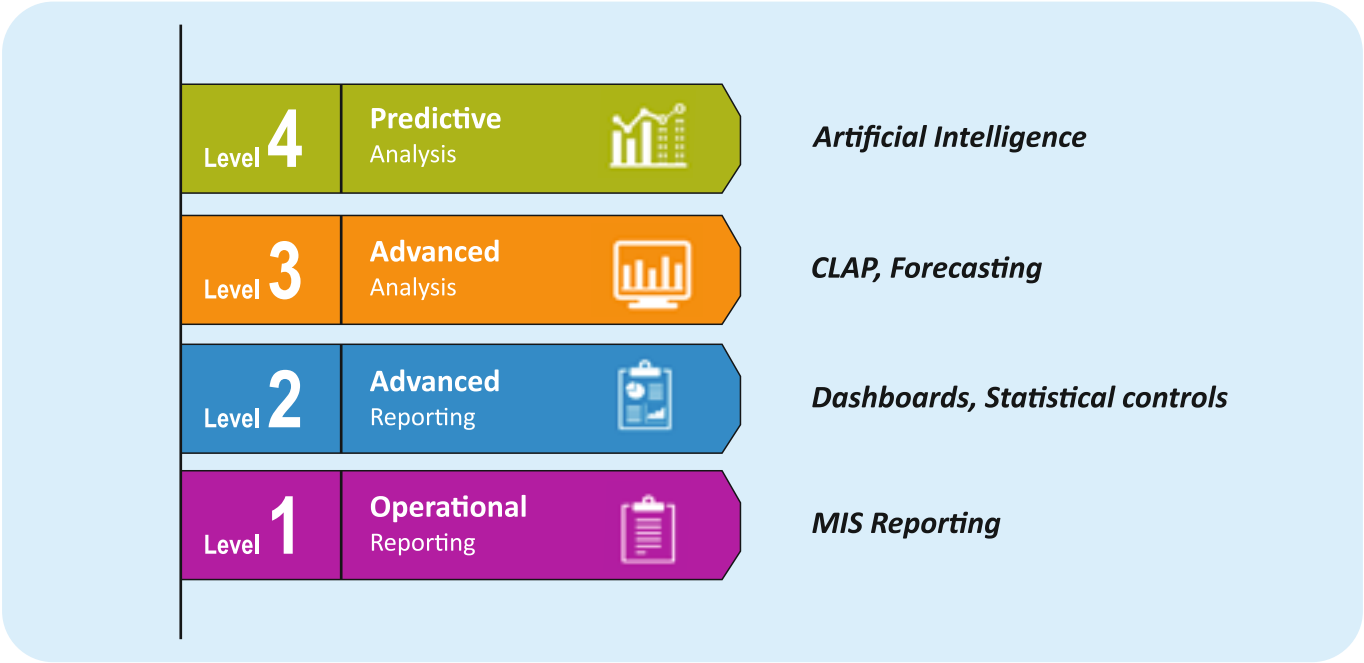


Fig 1. HR Analytics Maturity - Value chain

Using analytics, the questions at each level change and the answers from data provide evidence to your hunch - either to support it or negate it. But, let the data speak. The typical questions at each level are giving much higher clarity from operations to strategic level.

LevelQuestion for insight	
Operational	How many employees are on rolls?
Advanced	What is the turn over trend month on month and by month?
Analysis	What is the cost of regrettable attrition?
Analytics	Who among high performing employees are likely to leave in next 6 months?

Table 2. Typical questions at each level of maturity

Best practice #2: Profile the KPIs

It has been a vanity to have hundreds of metrics to track everything in HR. Though it is a welcome, not all metrics are important for efficiency and effectiveness. One of the cardinal rules for implementing analytics is to

profile every KPI, that HR is going to measure and monitor. Profiling is done by setting the targets, assigning the responsibilities and recommended actions when the actual value of KPI deviates from the target.

KPI	Target	Responsibility	Recommendation
Cost of Hire	7%	CHRO	<ul style="list-style-type: none"> Chose the vendor with minimum quote
			<ul style="list-style-type: none"> Chose a channel with low cost but high quality
Time to Hire	30 days	Head, Recruitment	<ul style="list-style-type: none"> Improve and automate the internal process
Quality of Hire	Minimum performance of 4 or above	Line Manager	<ul style="list-style-type: none"> Selection LnD

Table 3. Typical KPIs for Analytics

In essence all analytics is quantification and comparison of various metrics to get the best out of the system. Hence, all analytics should be giving actionable information only, not some historic report as done with most of MIS.

Best practice #3: Experiment, Experiment, Experiment

Experimental approach for improving anything has a scientific basis, instead of a gut feeling based top down approach. HR is not an exception, since all HR interventions are psychological or business interventions. Before our views can be implemented, it is better to test the results of implementation on a small scale. Positive results reinforce your approach and are signal to implement your approach.

For example, when your hypothesis is working for long hours will improve the productivity,

implement it on a small controllable sample and test the results. If the results are satisfactory, then look at implementing the approach systematically. Big bang approach may not be suitable for all the companies.

Best practice #4: Implement Employee Base Analysis

Every company has the data on HR, though they may feel otherwise. It is impossible to have the workforce, without keeping track of the revenue and spend. Adding - who, where, how and when are adding the value or increasing the cost, are the first set of insights, we can expect from HR analytics. This can be done with a dimensional model or a factor model, which can be built and analyzed in simple tools like Excel. Just collect the metrics (revenue, cost) for each of the employee and analyze it from multiple perspectives.

Data point	Dimension/Metric	Availability
Employee	Dimension	😊
Branch	Dimension	😊
Department	Dimension	😊
Experience band	Dimension	😊
Gender	Dimension	😊
Job Role	Dimension	😊
Time period	Dimension	😊
Revenue	Metric	😊
Cost	Metric	😊

Table 4. Core Data Points for HR analytics

For example, a trend in cost per employee increasing and revenue flat, indicates change in the job structure and hierarchy. In order to check what is creating this variance, drill down from overall company level to plant level or branch level and if required drill further to functional level.

Best practice #5: Focus on key areas and key metrics of HR functions

There are two ways of implementing HR analytics - Big bang and incremental. In the

first approach, a predefined model is customized for all functions and implemented at once. Though it is good in some sense, has lot of draw backs. The major drawbacks of big bang approach are the user acceptance and RoI. On the other hand, incremental approach has lesser limitations than Big bang and can be implemented function wise. This approach starts with key areas, key metrics, analyses and models. The typical areas and the related analytics implementation for HR are given below.

Function	KPI	Analysis	Models
Recruitment	<ul style="list-style-type: none"> Cost of Hire Quality of Hire Time to Hire Hire count 	<ul style="list-style-type: none"> Vendor/Channel Funnel 	<ul style="list-style-type: none"> Quality of Hire prediction Workforce demand forecasting
Engagement	<ul style="list-style-type: none"> Satisfaction Involvement 	<ul style="list-style-type: none"> Drivers for commitment 	<ul style="list-style-type: none"> Survey Analysis Chatbots
Performance	<ul style="list-style-type: none"> On time Within budget Leadership 	<ul style="list-style-type: none"> Actual vs target 	<ul style="list-style-type: none"> Drivers of performance
Retention	<ul style="list-style-type: none"> Involuntary attrition High performer attrition Loss per attrition 	<ul style="list-style-type: none"> Concentration Contribution Trend 	<ul style="list-style-type: none"> Attrition prediction

Table 5. Key functions in HR and Analytics possibilities

Best practice #6: Discover the domain knowledge explicitly

One of the biggest challenges in HR analytics is the implicit nature of the domain expertise and knowledge. Some one proficient in HR analytics, may carry all his knowledge in his head and may not be available for succession. It becomes a costly journey, when the knowledge disappears, when the resource attrites. This problem of disappearance of knowledge can be mitigated by explicit systems for knowledge creation, dissemination and putting into action. The five steps discussed in this paper, will provide

a concrete approach to the explicit systems for HR analytics.

Conclusion

Human Resource is the most important function of an enterprise despite being the cost center, it actually is the driver of the enterprise competence. Analyzing the human resource and related functions, is of at most importance to get the best out of the employees. In this paper, we propose six best practices to start and adopt HR analytics in the organization. We will present a detailed road map and possible templates in the near future, if the readers need any help.

“ I am convinced that nothing we do is more important than hiring and developing people. At the end of the day, you bet on people, not on strategies. ”

- Lawrence Bossidy

Training Programme -

POSH Programme



Training Programme



POSH Programme



Apprentice Management



Apprentice Management



Apprentice Management



Wage Code

A Snapshot into Cyberspace and Cyber Security through the lens of the Information and Technology Act, 2002



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The sphere of cyberspace and cyber security in our country is broadly governed by the Information and Technology Act, 2002 (“Act”) or the IT Act.

Today technology has become all-pervasive, a telephone which was used in the past for communication, now called a landline, has given way to sophisticated instruments like smartphones which have computing powers a thousand times more than that of the computers of 90's leading to the mobile phone or a smartphone becoming the central device for running the affairs of the person.

The Law of Evidence and the Criminal Procedure Code that had been enacted long ago have also been amended from time to time to try and cater to the tremendous technological improvements, apart from the amendments to the IT Act.

Under the IT Act a “computer resource” is defined as meaning to include computer, computer system, computer network, data, computer database or software.

Similarly “computer system” is also defined to include device or collection of devices including input and output support devices and capable of being used in conjunction with external files, which contain computer programs, electronic instructions, input data and output data, that performs logic, arithmetic, data storage and retrieval communication control and other functions.

The above said definitions basically encompass a computer network including

local area network (LAN), desktops, laptops, mobile phones, hard disks, servers, USB drives, etc that is generally used in any institution, office or household.

The Act defines offences related to computers and computer networks as follows:

If any person without permission of the owner or any other person who is incharge of a computer, computer system or computer network –

- I. accesses or secures access to such computer, computer system or computer network;*
- II. downloads, copies or extracts any data, computer data base or information from such computer, computer system or computer network including information or data held or stored in any removable storage medium;*
- III. introduces or causes to be introduced any computer contaminant or computer virus into any computer, computer system or computer network;*
- IV. damages or causes to be damaged any computer, computer system or computer network, data, computer data base or any other programmes residing in such computer, computer system or computer network;*
- V. disrupts or causes disruption of any computer, computer system or computer network;*

- VI. *denies or causes the denial of access to any person authorised to access any computer, computer system or computer network by any means; (g) provides any assistance to any person to facilitate access to a computer, computer system or computer network in contravention of the provisions of this Act, rules or regulations made thereunder;*
- VII. *charges the services availed of by a person to the account of another person by tampering with or manipulating any computer, computer system, or computer network, he shall be liable to pay damages by way of compensation to the person so affected.*
- VIII. *destroys, deletes or alters any information residing in a computer resource or diminishes its value or utility or affects it injuriously by any means;*
- IX. *steal, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used for a computer resource with an intention to cause damage;*

For the purposes of the above offence:

- i. *"computer contaminant" means any set of computer instructions that are designed –*
 - *to modify, destroy, record, transmit data or programme residing within a computer, computer system or computer network; or*
 - *by any means to usurp the normal operation of the computer, computer system, or computer network;*
- ii. *"computer data base" means a representation of information, knowledge, facts, concepts or instructions in text, image, audio, video that are being prepared or have been prepared in a formalised manner or have been produced by a computer, computer system or computer network and are intended for use in a computer, computer system or computer network;*

- iii. *"computer virus" means any computer instruction, information, data or programme that destroys, damages, degrades or adversely affects the performance of a computer resource or attaches itself to another computer resource and operates when a programme, data or instruction is executed or some other event takes place in that computer resource;*
- iv. *"damage" means to destroy, alter, delete, add, modify or rearrange any computer resource by any means.*
- v. *"computer source code" means the listing of programmes, computer commands, design and layout and programme analysis of computer resource in any form.*

Any person or body corporate who experiences any of the above defined parameters with respect to their computer, computer network, computer resource, etc can approach the jurisdictional police for offences under the IT Act.

Additionally the Act also casts certain obligations on body corporates who are dealing with or handling any sensitive personal data in a computer resource, for example it includes but is not limited to e-wallets, social media data, net banking data, etc. If such body corporate dealing with such data is negligent in implementing and maintaining reasonable security practices and procedures, thereby causing wrongful loss to any person, such person is entitled to claim compensation for such damage.

With the above perspective in mind, some of the issues that we have come across during our course of practice are instances of data theft and using such stolen data to cause wrongful loss to others. Some of the instances of data theft are as follows:

- a) Unauthorised use of portable storage devices such as flash drives, portable hard disks by employees and using such portable storage devices unauthorisedly to take away proprietary data of companies and institutions.
- b) When email IDs are used by companies using their own domain name, the email

IDs of employees who are no longer part of the organization are unfortunately not deactivated in time and such email IDs are spoofed and used to reroute sensitive data of such companies including invoice payment instructions to third parties.

- c) “Phishing” is a commonly used technique for committing data theft from banking websites and e-wallets. In the technique of phishing, the website or the e-wallet domain is spoofed with a fake domain address to look like the authentic website of the bank/e-wallet, tricking the user to key in their user name and password for such websites.
- d) Impersonation of persons by creating fake emails or social media accounts in the name of others and using such fake email/social media accounts to send defamatory messages or induce others to part with money.

There are certain steps that organisations can take to prevent the above instances of data theft by following certain best practices, such as:

- i. Immediately deactivating email IDs of ex-employees upon them leaving the company or deactivating email IDs which are no longer in use;
- ii. Usage of static IP addresses to root all digital communication;
- iii. Constantly monitor the computer network and computers for installation of malware or key loggers;
- iv. Restrict usage of external storage devices such as portable hard disks, USB flash drives etc.

While prevention is always better than cure, when there is an offence committed under the IT Act, it is very pertinent for organisations to be equipped with adequate knowledge regarding the investigation process in order to be able to work with the investigating officers to be able to achieve results sooner.

When instances of offense under the Act are reported to the jurisdictional police, during the course of such investigation for collection of digital evidence, the Hon'ble High Court of

Karnataka in the case of **Virendra Khanna vs. State of Karnataka and Ors.** WP 11759/2020 DD: 12/03/2021 has laid down certain guidelines which are extracted below:

“17.1. It is required for the Investigating Officer or the search team to carry out the search in a proper and scientific manner, more so since what has to be searched in the electronic equipment, smartphone or email account.

17.2. Apparently, there are no rules formulated by the police department regarding the manner of carrying out a search and/or for preservations of the evidence gathered during the said search in respect of smartphone, electronic equipment or email account.

17.3. It would be in the interest of all the stakeholders that detailed guidelines are prepared by the police department in relation to the same.

17.4. Pending such formulation, it would be required that the following minimum guidelines are implemented:

17.5. In the case of a personal computer or a laptop:

17.5.1. When carrying out a search of the premises, as regards any electronic equipment, Smartphone or e-mail account, the search team to be accompanied by a qualified Forensic Examiner.

17.5.2. When carrying out a search of the premises, the investigating officer should not use the computer or attempt to search a computer for evidence. The usage of the computer and/or search should be conducted by a properly authorized and qualified person, like a properly qualified forensic examiner.

17.5.3. At the time of search, the place where the computer is stored or kept is to be photographed in such a manner that all the connections of wires including power, network, etc., are captured in such photograph/s.

17.5.4. The front and back of the computer and/or the laptop while connected to all the peripherals to be taken.

17.5.5. A diagram should be prepared showing the manner in which the computer and/or the laptop is connected.

17.5.6. If the computer or laptop is in the power-off mode, the same should not be powered on.

17.5.7. If the computer is powered on and the screen is blank, the mouse could be moved and as and when the image appears on the screen, the photograph of the screen to be taken.

17.5.8. If the computer is powered on, the investigating officer should not power off the computer. As far as possible, the investigating officer to secure the services of a computer forensic examiner to download the data available in the volatile memory i.e., RAM since the said data would be lost on the powering down of the computer or laptop.

17.5.9. If the computer is switched on and connected to a network, the investigating officer to secure the services of a forensic examiner to capture the volatile net work data like IP address, actual net work connections, net work logs, etc.,

17.5.10. The MAC address also to be identified and secured.

17.5.11. In the unlikely event of the Forensic examiner not being available, then unplug the computer, pack the computer and the wires in separate faraday covers after labeling them.

17.5.12. In case of a laptop if the removal of the power cord does not shut down the laptop to locate and remove the battery.

17.5.13. If the laptop battery cannot be removed, then shut down the laptop and pack it in a faraday bag so as to block any communication to the said laptop since most of the laptops, nowadays have wireless communication enabled even when the laptop is in the stand by mode.

17.6. Seizure of networked devices: Apart from the above steps taken as regards seizure of the computer, laptop, etc., if the said equipment is connected to a network:

17.6.1. To ascertain as to whether the said equipment is connected to any remote storage devices or shared network drives, if so to seize the remote storage devices as also the shared network devices.

17.6.2. To seize the wireless access points, routers, modems, and any equipment connected to such access points, routers, modems which may some times be hidden.

17.6.3. To ascertain if any unsecured wireless network can be accessed from the location. If so identify the same and secure the unsecured wireless devices since the accused might have used the said unsecured wireless devices.

17.6.4. To ascertain who is maintaining the network and to identify who is running the network - get all the details relating to the operations of the network and role of the equipment to be seized from such network manager.

17.6.5. To obtain from the network manager, network logs of the machine to be searched and/or seized so as to ascertain the access made by the said machine of the net work.

17.7. Mobile devices: Mobile devices would mean an include smartphone, mobile phone, tablets GPS units, etc., during the course of seizure of any of the mobile devices, apart from the steps taken in respect of a computer and/or laptop, the following additional steps to be taken:

17.7.1. Prevent the device from communicating to network and/or receiving any wireless communication either through wifi or mobile data by packing the same in a faraday bag.

17.7.2. Keep the device charged throughout, since if the battery drains out, the data available in the volatile memory could be lost.

17.7.3. Look for slim-slots remove the sim card so as to prevent any access to the mobile network, pack the sim card separately in a faraday bag.

17.7.4. If the device is in power-off mode, the battery could also be removed and kept separately.

17.7.5. If the device is powered on, then put it in an aeroplane mode in android device or airplane mode in a IOS device.

17.8. In all the cases above, the seized equipment should be kept as far as possible in a dust-free environment and temperature controlled.

17.9. While conducting the search, the investigating officer to seize any electronic storage devices like CD, DVD, Blu-Ray, pen drive, external hard drive, USB thumb drives, solid-state drives etc., located on the premises, label and pack them separately in a faraday bag.

17.10. The computers, storage media, laptop, etc., to be kept away from magnets, radio transmitters, police radios etc., since they could have an adverse impact on the data in the said devices.

17.11. To carry out a search of the premises to obtain instructions manuals, documentation, etc., as also to ascertain if a password is written down somewhere since many a time person owning equipment would have written the password in a book, writing pad or the like at the said location.

17.12. The entire process and procedure followed to be documented in writing from the time of entry of the investigation/search team into the premises until they exit."

The Hon'ble High Court in the said case has further held that in order to obtain access to devices so secured adopting the process as enumerated above, the investigating agency can follow the following process to secure access to such devices or email accounts:

"16.1. Though not argued or contended this Court would also have to take into consideration the possibility of the accused not cooperating inspite of above directions having been issued and/or providing a password, passcode which is incorrect.

16.2. In the event of the accused not co-operating and not providing necessary password, passcode adverse inference could be drawn subject to the prosecution pointing out the nature of such adverse inference which could be drawn.

16.3. The second situation is even more dangerous inasmuch as the accused may provide a wrong password or passcode and or provide biometrics of a wrong person, and sometimes by way of the usage of such wrong password, passcode or biometrics for more times than one, the device could either get locked and/or the data on the said device and the e-mail account could be wiped out automatically because a wrong password, passcode or biometrics has been used multiple times. The Investigating agency therefore has to be aware of and careful of this possibility.

16.4. The accused in such a situation is therefore required to be given only one chance to provide the proper password, passcode or biometrics to open the smartphone and email account.

16.5. In both the above situations, the Investigating Agency would also be at liberty to engage such specialised agency as may be required in order crack the password, passcode or biometrics so as to have access to the smartphone and or the e-mail id. The accused cannot thereafter contest the methodology used by the Investigating Agency to access the information on the smartphone or e-mail account since the accused having been given an opportunity to co-operate and provide the password, passcode, or biometrics, has refused to cooperate and do so,

16.6. The rules of electronic device would apply to any data if sought to be made use of by the Investigating agency in a Court of Law. The Investigating agency would be at liberty to clone the smartphone and or hard disk of the smartphone, as also any data available on any cloud service to which the smartphone is connected to and make use of the same during the course of investigation and/or trial.

16.7. Similarly the Investigating agency would be at liberty to block the access to the e-mail accounts once opened by changing the password so that no one else apart from the designated officers would have access to the said smartphone, computer equipment or email accounts. The data available on the

said e-mail account could be downloaded and preserved, as also made use of by the Investigating agency for the investigation.

16.8. Thus the procedure that would have to be followed would be as under:

16.9. It would be required for the prosecution to approach the Court to seek a search warrant to search the smartphone and or e-mail account. Once a search warrant is issued, it is upto the Petitioner-accused to provide the password, passcode, biometrics etc.,

16.10. The investigating agency could also serve a notice on the accused indicating that in the event of the accused not furnishing the said password, passcode, biometrics etc., an adverse inference would be drawn against the accused as regards the aspects notified in the said notice. The accused can then, in order to avoid the adverse inference from being drawn, furnish the password, passcode or biometrics to the Investigating authorities.

16.11. In the event of the accused or any other person not providing the password, passcode or biometrics, on an application made by the prosecution, the court could direct the service provider viz., manufacturer of the smartphone and/or e-mail service provider, to open or unlock the smartphone and/or email account to enable access to the said smartphone and/or email account.

16.12. In the event of the manufacturer and the service provider not facilitating the opening of the smartphone, email account or computer equipment, then the Court on an application being filed in that regard permit the Investigating Officer to hack into the smartphone and/or email account.

16.13. The investigating agency would be empowered to engage the services of such persons as may be required to hack into the smartphone and or e-mail account and make use of the data available therein, which would be akin to breaking open a lock or door of the premises when the accused were to refuse to co-operate with the Investigating officer and open the door of locked premises.

16.14. In the event of the investigating agency is unsuccessful in hacking into the smartphone and or the e-mail account and during the course of such a procedure, if the data on the smartphone and or the e-mail account being destroyed then, the Investigating agency/prosecution would be free to rely upon the notice by which the accused was warned of adverse inference being drawn.”

To summarise the above, the Information and Technology Act is an enactment which today encapsulates every aspect of our life which is surrounded by technology from a smartphone in our pocket, to the computers and laptops that we use; to the email communications which have become the bedrock of every business that we conduct today. The IT Act through various amendments of Parliament and through balanced intervention by Courts, has attained a careful balance to secure our right to privacy in the digital sphere and has also provided enough teeth to investigating agencies to investigate cyber and digital offences by following set procedures and at the same time safeguarding rights of an individual.

Our right to privacy, dignity and our right to work using cyber space and digital platforms, is to be exercised and tempered with necessary caution and precaution while we enhance digitalization in every aspect of our life.

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HYBRID WORKPLACE

Ms. Samata Ballal, M/s Medi Buddy

HYBRID WORKPLACE

In March 2020, lot of companies around the world went on a stand still as WHO announced corona a pandemic. Few were quick to adopt a work from home while the others adopted to that over time. Many organizations quickly found safe ways of getting the industries and key services operate to ensure sustainability of the region/state or country and many others operated remotely. Most of the world was suddenly working from home!

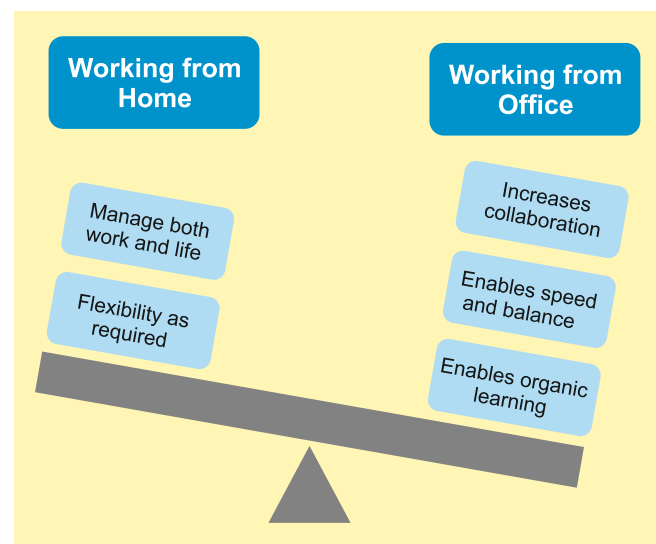
Safety, wellbeing and family care became a key priority for a many. The change in lifestyle was a big toll to people. The following were key changes -

1. People blocked 15-30 minutes of time over a meeting which otherwise was a 2 minute, in person conversation.
2. The video calling suddenly reduced the unstructured conversations which led to more efficient work however restricted the human connect that would happen outside of work-related topics.
3. Suddenly the social human being was subjected to new terms like Quarantine, isolation, social distance, etc. People were subjected to take care of elderly, children, themselves and earning the livelihood at the same time.
4. By the end of wave 2, two things that got added on severely are fear and uncertainty of life. This was a complex emotion as it came from frustration, isolation, sadness, anxiety or depression.
5. The front warriors, health care professionals dealt with a completely different type of stress. There was increase in workload, fear of contact

of c-19, in certain cases - staying away from the family was common for them. Treating multiple patients, helping them through difficult times and seeing many loose to life has caused a different level of impact.

This has resulted in tremendous demand of change in workstyle and adoption of new skills for HR team. It has forced the world to adopt flexibility at workplace and focus more on employee wellbeing. Many organizations suddenly learnt how to work in a digital work and measure output and results over input. Having more clearer work expectations, writing Objectives more clearly and multiple modes of communication became a key aspect to enable

As the world is attempting to get back to normal, the hybrid work place is going to be a reality.



In a recent survey done with many corporate employees, there were some interesting findings that suggest that people are keen to get back to office as they miss their daily routine and the distinction between work and personal life.

In my view, hybrid workplace is the future, and it is here to stay. I would define it as below:

- People will work from the same location as their office (not from native); however, will have the option to operate from home some days a week.
- People will be allowed to have a flexible work timing while there will be insistence on core working hours.

- Policies of any workplace would require one to be wellness focused. Having a doctor in office, giving wellness benefits like medical wallet, employee counselling on mental health, risk assessment, health check ups etc.



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Future of Work, Workplace & Workforce

Mr. Jagan, ex-Head HR, Brigade Group

Pandemic- Covid -19, apart from the catastrophe it has created human loss across the world, affecting all businesses and crashing of markets domestic and international etc., to me I would consider it as a blessing in disguise. Due to this Pandemic, all of us were forced to do out of box thinking and come out with ways and means to do our work/run our businesses etc. Some of the key developments due to this Pandemic is the rapid development in the “On-line education system for children”, the “awareness & importance of cleanliness /adherence to the protocols or guidelines” across all levels in the society and the fast pace “improvement in the field of medicine” to overcome this catastrophe which mankind has not faced in this century.

The Real Estate/Construction/Infrastructure as an industry is still considered by far as an unorganised sector when compared with that of IT, Manufacturing, Hospitality and Retail Industry/Sector. Any development or improvements in the Construction & Technology in this sector has happened only in the recent 10-15 years. Though predominantly pan India, this sector is a owner driven style of management.

Professionalism per se in managing the business is limited only to few companies across India. Hence there has been stiff resistance to change or accept modern technologies/automation of process and systems. But thanks to Pandemic it has forced organisation in this sector to make rapid changes within the company. It was compelled to adopt some of those unheard-of approaches and systems within the industry Viz: Virtual review meetings using Zoom or Teams call, Work from Home, E-learning etc., The companies which were reluctant to adopt or change were left way behind and few of them were compelled to close their business.

Hence there is no escape from Hybrid way of work environment irrespective of the industry in the years to come and Real Estate/Construction sector cannot be an exception. Forward looking organisations, will take this as an opportunity for improvement of its processes and systems.

A) On the Work front, though Hybrid way of work is going future however there are areas of work Viz: Civil construction, quality management, Site assessment, Sales etc may still continue remain on premise job. Whereas other activities of in the management and construction can be through Hybrid mode. The Pandemic has forced the sector to change in following areas:

1. Information Technology per se will play a vital role. Digitisation and automation of Processes and System is a going to be the way forward. Unfortunately, as a sector, all the stakeholders are not equipped/trained to reap or utilise the IT benefits. Among the stakeholders, Property developer community is way ahead on all aspects of construction and management of the company; whereas very few construction companies are equipped, trained and are professionally managed to take advantage of using IT. Hence it may take some more time but thanks to Pandemic it has set the thought process in the minds of the Senior Management within the sector.
2. Prior to Pandemic, information or data sharing within the industry is a major concern and I personally feel nothing much must have changed on this front. According to me on this front, I can say as a sector it is very much conservative and reluctant to share information. This

could be a major handicap because today data analytics across all department is going to help the organisation to fine tune its processes and systems.

3. Usage of technology and Innovative management practises in field of Construction: In this regard, there was reluctance by all in the industry due to the limited exposure, cost impact, availability of skilled and trained manpower etc., but this pandemic has speeded up and compelled to adopt technology. This has opened the doors for many of the start-ups to gain entry and acceptance within the sector viz: air control and management in Commercial office space and Retail Malls, Energy conservation and Management, Water purification and Management, Quality control and data analytics, using of drones to inspect and evaluate land parcels, etc.,
4. Salary rationalisation: The direct impact of Pandemic resulted in Lockdown of economy resulting in affecting the businesses across sectors. Real Estate Industry was one of the sectors which got affected the most and most employers had to rationalise the salaries of the employees from a minimum of 3 months to a maximum of 1 year. Few companies even initiated the golden handshake, wherein employees were forced to leave the organisation with adequate compensation. HR department had to manage both the Management on one side and the employees with smooth and humane exit from the organisation. In addition to this, the HR department was also handling the crisis management on account of Covid disease affecting the employees and their families. Agility with humane approach was the need of the hour and they had to revise the policies so as to ensure all aspects of the new requirements due to this pandemic are covered either by way of insurance or support by the organisation. In a way we can say during this crisis period Head HR had to take the lead role in the organisation to support and address all the wellness care needs of the employees and their family.

- B) On the Workplace, more awareness has been created and strict implementation/adherence to best practises towards Workplace management has been introduced or speeded up. Earlier not much importance was given for air quality management in office premises but post pandemic lot more effort has been taken by the management to put in place the best-in-class air monitoring systems. The approach towards workplace facility management has undergone a major change, strict cost-effective control measures have been put in place. With a view to improve the manpower productivity consolidation of work places have happened within the industry. Extensive usage of Virtual methods/technology for meetings and reviews has helped to rethink on the usage/retaining of workplaces. With a view to leverage and have a better control over its overhead costs, companies in the Metro's may opt for Co-working or office space sharing in the years to come. Today it may look to be dream but this pandemic has made the management to rethink on its conservative approaches so as to be competitive and improve its productivity.
- C) Irrespective of the industry, the Pandemic has made the companies to prioritise between Business or People. I am pleased and happy to share that all companies, unanimously decided to give priority /importance to its people and this humane approach towards its employees has helped the company's to re-establish itself as a people oriented organisation. Such organisation work on the principles of Win-Win values and rewards its employees not only for their contributions but also keen to take care of the welfare of their families especially during the time of this grave crisis. During the Pandemic, the HR department played a key role in people management with timely support and help. The importance of employee wellness program has been once re-established and various welfare schemes have been

implemented. Within the Real estate and Construction industry the importance of multiskilling has been realised, employees with multi-skill could save their jobs during this crisis. Employees who were reluctant to change and reskill or relearn and who considered Information technology as a threat lost their jobs. The importance of data analytics was across the industry especially when it came to manage its overhead costs. Though as an industry, it was slow and reluctant to use Information technology for many reasons, this crisis had made them to rethink their approach. Due this the employees across department were also forced to adopt new systems and we have seen extensive usage of technology within the industry for virtually organising review meetings/presentation, Townhalls, Rewarding/Recognition functions, data analytics on various Overhead costs. Hence all the employees were compelled to learn and adopt these systems within the organisation.

Recently I came across this Gartner study on Future of work post pandemic. Of course, we cannot apply all the approaches suggest by them in the Real estate/construction industry because as mentioned earlier still this industry is in nascent stage when compared to other sectors. This sector is still has an conservative management approach but this crisis is a wakeup call for all companies. Forward looking organisation will take necessary steps to initiate the change management process over a period of time.

The major challenge for HR in the days to come would be promote the hybrid work culture- employees are hesitant to come back to 5- 6 day week from Work from Home and due to the flexibility in work environment during the pandemic, the accountability levels went up manifold. Hence there is tremendous opportunity for HR leaders to now make it a part of the DNA of the organisation a culture of flexibility with accountability and ensure there is better work life balance supported with better employee wellness policies in the organisation.

Interesting and challenging times ahead for HR leaders to work as business partners and with tremendous scope and opportunity to redesign the policies and systems so as to attract and retain talent.

Future of Work Reinvented



Note: Please note these are my personal experience and opinion about the industry/ sector and does not pertain to any specific company/organisation within the Real Estate/ Construction industry or sector.

ಕೋವಿಡ್ ಪಿಡುಗಿನ ಸಮಯದಲ್ಲಿ ಕೆಲಸದ ಭವಿಷ್ಯ , ಕೆಲಸದ ವಾತಾವರಣ ಮತ್ತು ಕಾರ್ಮಿಕರಲ್ಲಿ ಆದ ಬದಲಾವಣೆಯ ಬಗ್ಗೆ ಕಳೆದ ಎರಡು ವರ್ಷಗಳ ಅನುಭವ



ಎಲ್ಲರಿಗೂ ನಮಸ್ಕಾರ....

Mrs. Kalpana B G
AVP - HR,
Aditya Birla Fashion &
Retail Limited

ನಾನು ಕಾರ್ಖಾನೆಯ ವಾತಾವರಣದಲ್ಲಿ ಕಳೆದ ೩೪ ವರ್ಷಗಳಿಂದ ಕೆಲಸ ಮಾಡುತ್ತಾ ಅನುಭವ ಹೊಂದಿರುತ್ತೇನೆ. ಕಾರ್ಖಾನೆಯ ವ್ಯಾಪಾರ ವಹಿವಾಟಿನಲ್ಲಿ ಬಹಳ ಏರು ಪೇರನ್ನು ನೋಡಿರುತ್ತೇನೆ ಹಾಗೂ ಪ್ರತಿದಿನ ನಮ್ಮ ಕೆಲಸದಲ್ಲಿ ಒಂದಲ್ಲ ಒಂದು ಸವಾಲನ್ನು ಎದುರಿಸುತ್ತಿರುತ್ತೇನೆ.

ಅವುಗಳಲ್ಲಿ ಉದಾಹರಣೆಯಾಗಿ ತಿಳಿಸುವುದೇನೆಂದರೆ

- ಎಲ್ಲಾ ಕಾರ್ಮಿಕರಿಗೆ ಕೆಲಸ ಒದಗಿಸಲು ವ್ಯಾಪಾರ ದೊರಕಿಸಿಕೊಳ್ಳಲು ಆಡಳಿತವರ್ಗದವರು ಪಡುವ ಪರಿಶ್ರಮ.
- ಉದ್ಯಮದಲ್ಲಿ ತೀವ್ರ ಪೈಪೋಟಿ ಇರುವ ಕಾರಣ ಕಡಿಮೆ ವೆಚ್ಚದಲ್ಲಿ ಉತ್ಪಾದನೆ ಮಾಡುವುದು.
- ಗಳಿಸಿದ ವ್ಯಾಪಾರವನ್ನು ನಿಭಾಯಿಸುವಲ್ಲಿ ದೈನಂದಿನ ತೊಂದರೆಗಳು ಅಂದರೆ ಉದ್ಯಮದಲ್ಲಿ ತೀವ್ರ ಪೈಪೋಟಿ ಇರುವ ಕಾರಣ ಉದ್ಯೋಗಿಗಳನ್ನು ನೇಮಕಾತಿ ಮಾಡುವಲ್ಲಿ ಕಾರ್ಮಿಕರ ಕೊರತೆ.
- ಕೆಲಸದ ಒತ್ತಡ ಹೆಚ್ಚಾದಾಗ ನೇಮಕಾತಿ ಮಾಡಿದ ಕಾರ್ಮಿಕರು ಕೆಲಸಕ್ಕೆ ಗೈರುಹಾಜರಾಗುವುದು.
- ಕೆಲಸಕ್ಕೆ ಗೈರುಹಾಜರಾದಾಗ ಕಾರ್ಮಿಕರ ಕೊರತೆಯಿಂದ ಹಲವು ಬ್ಯಾಚುಗಳನ್ನು ತಾತ್ಕಾಲಿಕವಾಗಿ ಮುಚ್ಚಿ ಉಳಿದ ಕಾರ್ಮಿಕರಿಂದ ಕೆಲಸ ತೆಗೆಸುವುದು.
- ದೈನಂದಿನ ಕೆಲಸದಲ್ಲಿ ಕಾರ್ಮಿಕರು ನಿಗದಿತ ಉತ್ಪಾದನೆ ಮಾಡದ ಕಾರಣ ಉತ್ಪಾದನೆಯಲ್ಲಿ ಕಡಿತ.
- ಕಾರ್ಮಿಕರು ನಾನಾ ಕಾರಣದಿಂದ ಕೆಲಸ ಬಿಡುವುದು ಮತ್ತು ಅವರ ಬದಲಾಗಿ ಹೊಸಬರನ್ನು ಕೆಲಸಕ್ಕೆ ನೇಮಿಸುವುದು.
- ಹೊಸದಾಗಿ ಕೆಲಸಕ್ಕೆ ಸೇರಿದಾಗ ಅಂತಹ ಕಾರ್ಮಿಕರಿಗೆ ಕೆಲಸದಲ್ಲಿ ಸೂಕ್ತವಾಗಿ ತರಬೇತಿ ನೀಡುವುದು ಮತ್ತು ತರಬೇತಿ ನಂತರ ಕೆಲಸದ ಆವರಣದಲ್ಲಿ ಕೆಲಸ ಮಾಡಿಸಲು ಅನುವಾದಾಗ ಮತ್ತೆ ಕೆಲಸ ಬಿಡುವುದು.

ix ಇದರ ಜೊತೆಗೆ ನಿಗದಿತ ಸಮಯದಲ್ಲಿ ಹೊಲಿದ ಬಟ್ಟೆಯನ್ನು ರಫ್ತು ಮಾಡುವಲ್ಲಿ ವಿಳಂಬ, ಗುಣಮಟ್ಟದಲ್ಲಿ ಏರು ಪೇರು ಇವುಗಳಿಂದ ವ್ಯಾಪಾರ ರದ್ದಾಗುವುದು

ಇದು ಗಾರ್ಮೆಂಟ್ಸ್ ಕಾರ್ಖಾನೆಯಲ್ಲಿ ದೈನಂದಿನವಾಗಿ ನಾವು ಅನುಭವಿಸುತ್ತಿರುವ ಸವಾಲಾಗಿದೆ

ಇದಲ್ಲದರ ಸವಾಲಿನ ಜೊತೆಗೆ ಕಳೆದ ಎರಡು ವರ್ಷಗಳಲ್ಲಿ ಕೋವಿಡ್ ಪಿಡುಗಿನಿಂದ ನಾವು ಪಟ್ಟ ಪಾಡು ಹೇಳತೀರದು. ಈ ಸಾಂಕ್ರಾಮಿಕ ರೋಗ ಇಡೀ ಜಗತ್ತನ್ನು ಬೆಚ್ಚಿಬೀಳಿಸಿದೆ. ನಾವು ಯಾವಾಗಲೂ ಉತ್ಪಾದನೆಯ ಬಗ್ಗೆ ಒಂದು ನಿಮಿಷದ ಎಸ್‌ಎಂವಿ ಜೊತೆಗಿನ ಲಾಭ-ನಷ್ಟ ಗಣನೆ ಮಾಡುವವರು, ಜೀವ ಮತ್ತು ಜೀವನಗಳ ನಡುವೆ ಹೊಡೆದಾಡುವವರು, ಹಾಗೆಯೇ ಜೀವನವನ್ನು ಉಳಿಸಿಕೊಳ್ಳಲು ಹೋರಾಡುವವರು- ಮತ್ತೊಂದು ಕಡೆ ಇವರನ್ನೆಲ್ಲ ಒಂದು ಸರಿಸಮಾನವಾದ ತೂಕದಲ್ಲಿ ಸಮತೋಲನಗೊಳಿಸುವುದು ನಿಜಕ್ಕೂ ಒಂದು ಸಾಧನೆ ಎಂದರೆ ತಪ್ಪಾಗಲಾರದು.

ಸಾಂಕ್ರಾಮಿಕ ರೋಗದ ಹರಡುವಿಕೆಯಲ್ಲೂ

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- ಕಾರ್ಮಿಕರ ಕುಟುಂಬದವರ ಸುರಕ್ಷತೆ
- ನಮ್ಮೊಂದಿಗೆ ಸಾಂಕ್ರಾಮಿಕ ರೋಗ ತಡೆಯುವಲ್ಲಿ ಸ್ವಯಂ ಸೇವಕರಾಗಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುವವರ ಸುರಕ್ಷತೆ

ಇದಲ್ಲವೂ ಒಂದು ಸವಾಲಾದರೆ ವೈಯಕ್ತಿಕವಾಗಿ ನಮ್ಮ ಸುರಕ್ಷತೆಯೊಂದಿಗೆ ನಮ್ಮನ್ನು ನಂಬಿ ನಮ್ಮವರ (ಕುಟುಂಬ) ಸುರಕ್ಷತೆಯು ನಮ್ಮ ಜವಾಬ್ದಾರಿ ಎಂದು ಪರಿಗಣಿಸಲೇ ಬೇಕು.

ಈ ಮೇಲಿನ ಎಲ್ಲಾ ಸವಾಲನ್ನು ಸ್ವೀಕರಿಸಲು ಮತ್ತು ಅದನ್ನು ಎದುರಿಸಿ ನಿಲ್ಲಲು ಈ ಪಿಡುಗಿನ

ಸಮಯದಲ್ಲಿ ನಾವು ನಮ್ಮ ಕಾರ್ಮಿಕರ ಆರೋಗ್ಯ ಅಂಶವನ್ನು ಗಮನದಲ್ಲಿಟ್ಟು ಈ ಕೆಲವು ಬದಲಾವಣೆಯನ್ನು ತಂದಿರುತ್ತೇವೆ ಅವುಗಳೆಂದರೆ

- ಈ ಕೋವಿಡ್ ಪಿಡುಗಿನ ಬಗ್ಗೆ ನಮಗೆ ಯಾವುದೇ ಮುನ್ನೆಚ್ಚರಿಕೆ ಇಲ್ಲದ ಕಾರಣ ದೇಶವು ಇದನ್ನು ಎದುರಿಸಲು ಶಕ್ತವಾಗಿರಲಿಲ್ಲ ಆದ ಕಾರಣ ಸರ್ಕಾರದ ಆದೇಶದ ಮೇರೆಗೆ ಕಾರ್ಖಾನೆಯು ಮಾರ್ಚ್ ೨೦೨೦ ರಿಂದ ೨೦ ನೇ ಏಪ್ರಿಲ್ ೨೦೨೦ ರ ತನಕ ಲಾಕ್ ಡೌನ್ ಪ್ರಯುಕ್ತ ಕಾರ್ಖಾನೆಯನ್ನು ಮುಚ್ಚಲಾಗಿತ್ತು, ಈ ಸಮಯದಲ್ಲಿ ದೈನಂದಿನ ಕೆಲಸ ಮಾಡಲು ಸರ್ಕಾರವು ಅನುವು ಮಾಡಿಕೊಡಲಿಲ್ಲ, ಜನ ಸಾಮಾನ್ಯರು ಎಂದಿನಂತೆ ಓಡಾಡಲು ಸಾರ್ವಜನಿಕ ಸಾರಿಗೆ ಸ್ಥಗಿತಗೊಳಿಸಲಾಯಿತು, ಮತ್ತು ಯಾವುದೇ ವಾಹನದಲ್ಲಿ ಜನ ಸಾಮಾನ್ಯರು ಓಡಾಡದಂತೆ ನಿರ್ಬಂಧಿಸಲಾಯಿತು ಈ ನಿಯಮಗಳನ್ನು ಕೋವಿಡ್ ಪಿಡುಗು ಹರಡದಂತೆ ಮಾಡಲಾಯಿತು.
- ಈ ಸಮಯದಲ್ಲಿ ಎಲ್ಲಾ ಜನ ಸಾಮಾನ್ಯರು ಕೋವಿಡ್ ಪಿಡುಗನ್ನು ತಡೆಗಟ್ಟಲು ವ್ಯಕ್ತಿಗತ ಸುರಕ್ಷತಾ ಸಾಧನವಾದ ಮಾಸ್ಕ್, ಸ್ಯಾನಿಟೈಸರ್ ಉಪಯೋಗಿಸಬೇಕಿತ್ತು ಆದರೆ ಇದು ಮಾರುಕಟ್ಟೆಯಲ್ಲಿ ಲಭ್ಯವಿರಲಿಲ್ಲ ಆದ್ದರಿಂದ ದೇಶದ ಜನತೆಗೆ ನಮ್ಮ ಕೈಲಾದ ಸಹಾಯ ಮಾಡಲು ಮತ್ತು ಅವರ ಅಮೂಲ್ಯವಾದ ಜೀವನವನ್ನು ಉಳಿಸುವಲ್ಲಿ ನಮ್ಮ ಆಡಳಿತವರ್ಗವು ತ್ವರಿತ ಕ್ರಮವಾಗಿ ಕೆಲವು ಯಂತ್ರಗಳನ್ನು ಮಾರ್ಪಾಡು ಮಾಡಿ ಕೋವಿಡ್ ಪಿಡುಗಿನಿಂದ ಬಳಲುತ್ತಿದ್ದ ರೋಗಿಗಳನ್ನು ಚಿಕಿತ್ಸೆ ಮಾಡುವ ವೈದ್ಯಕೀಯ ತಂಡಕ್ಕೆ ಫೇಸ್ ಮಾಸ್ಕ್ ಮತ್ತು ಕವರ್ ಅಲ್ ಅನ್ನು ಹೊಲಿದು ಕೊಡಲು ಅನುವು ಮಾಡಿತು
- ಕೂಡಲೇ ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ಇಲಾಖೆ ಮತ್ತು ಜಿಲ್ಲಾಧಿಕಾರಿಯನ್ನು ಸಂಪರ್ಕಿಸಿ ವಯಕ್ತಿಕ ಸುರಕ್ಷತಾ ಸಾಧನವಾದ ಫೇಸ್ ಮಾಸ್ಕ್ ಅನ್ನು ತಯಾರಿಸಿ ಸರ್ಕಾರಕ್ಕೆ ಕೊಟ್ಟು ಅವರ ಮೂಲಕ ದೇಶದ ಮೂಲೆ ಮೂಲೆ ಗಳಲ್ಲಿರುವ ಜನ ಸಾಮಾನ್ಯರಿಗೆ ತಲುಪಿಸಲು ಅನುಮತಿ ಕೋರಿದವು ಇದಕ್ಕೆ ಸ್ಪಂದಿಸಿದ ಸರ್ಕಾರವು ವಯಕ್ತಿಕ ಸುರಕ್ಷತಾ ಸಾಧನವನ್ನು ತಯಾರಿಸಲು ಶೇಕಡಾ ೨೦ ರಷ್ಟು ಕಾರ್ಮಿಕರನ್ನು ಕೆಲಸಕ್ಕೆ ಕರೆಸಿ ಫೇಸ್ ಮಾಸ್ಕ್ ಮತ್ತು ಕವರ್ ಅಲ್ ಅನ್ನು ಹೊಲೆಯಲು ಅನುವು ಮಾಡಿಕೊಟ್ಟಿತು
- ಕೂಡಲೇ ನಮ್ಮ ಮಾನವ ಸಂಪನ್ಮೂಲ ವಿಭಾಗದವರು ಯಾವುದೇ ವಾಹನ ಸೌಕರ್ಯವಿಲ್ಲದೆ ಕಾರ್ಖಾನೆಗೆ ಬರುವಂತಹ ಕಾರ್ಮಿಕರನ್ನು ದೂರವಾಣಿ ಮೂಲಕ ಸಂಪರ್ಕಿಸಿ ಅವರ ಮನಸ್ಸನ್ನು ಪರಿವರ್ತಿಸಿ ಇದು ದೇಶಕ್ಕಾಗಿ ಮತ್ತು ದೇಶದ ಜನತೆಗಾಗಿ ನಾವು ಮಾಡುತ್ತಿರುವ ಒಂದು ಸಣ್ಣ ಸಹಾಯ ಎಂದು ತಿಳಿಸಿ ಅವರಿಗೆ ಕೆಲಸಕ್ಕೆ ಬರಲು ಪ್ರೇರೇಪಿಸಿದವು
- ಹಲವು ಕಾರ್ಮಿಕರು ನಮ್ಮ ಮಾತಿಗೆ ಸ್ಪಂದಿಸಿ ಕೆಲಸಕ್ಕೆ ಬಂದು ಫೇಸ್ ಮಾಸ್ಕ್ ಮತ್ತು ಕವರ್ ಅಲ್ ಅನ್ನು ಹೊಲೆಯಲು ಶುರುಮಾಡಿದರು ಇವರು

ಹೊಲಿದ ಈ ಸರಕನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಮತ್ತು ಕೆಲವು ವೈದ್ಯಕೀಯ ಸಂಸ್ಥೆಗೆ ನಾವು ಕೊಟ್ಟಿರುತ್ತೇವೆ.

- ನಂತರ ಕಾರ್ಖಾನೆಯ ನಾಯಕತ್ವದವರ ಸಹಾಯದಿಂದ “ ಕೋವಿಡ್ ಯೋಧ ತಂಡ” ವನ್ನು ರಚಿಸಿದವು ಇವರಲ್ಲಿ ಕಲ್ಯಾಣ ಅಧಿಕಾರಿ, ಮಾನವ ಸಂಪನ್ಮೂಲ ಅಧಿಕಾರಿ, ಸುರಕ್ಷತಾ ಅಧಿಕಾರಿ, ವೈದ್ಯಾಧಿಕಾರಿ, ಸಿಬ್ಬಂದಿ ನರ್ಸ್, ಫ್ಯಾಕ್ಟರಿ ಮ್ಯಾನೇಜರರು ಒಳಗೊಂಡಿದ್ದರು.
- ಇವರ ದೈನಂದಿನ ಕೆಲಸ ವೇನೆಂದರೆ ಪ್ರತಿ ೨ ದಿನಕ್ಕೊಮ್ಮೆ ಎಲ್ಲಾ ಕಾರ್ಮಿಕರನ್ನು ದೂರವಾಣಿ ಮೂಲಕ ಸಂಪರ್ಕಿಸುವುದು ಮತ್ತು ಅವರ ಹಾಗೂ ಅವರ ಕುಟುಂಬದವರ ಯೋಗ ಕ್ಷೇಮವನ್ನು ವಿಚಾರಿಸುವುದು ಅವರಿಗೆ ಕಾರ್ಖಾನೆಯ ಆಡಳಿತವರ್ಗದಿಂದ ಬೇಕಾಗುವ ಸಹಾಯದಬಗ್ಗೆ ವಿಚಾರಿಸುವುದು ದಿನ ನಿತ್ಯದ ಕೆಲಸವಾಗಿತ್ತು.
- ಇವರನ್ನು ಸಂಪರ್ಕಿಸಿ ಒಂದು whatsapp ಗುಂಪು ಮಾಡಿ ಪ್ರತಿ ನಿತ್ಯ ಅವರಿಗೆ ಈ ಸಾಂಕ್ರಾಮಿಕ ಪಿಡುಗಿನ ಸಮಯದಲ್ಲಿ ತೆಗೆದುಕೊಳ್ಳುವ ಮುನ್ನೆಚ್ಚರಿಕೆ ಕ್ರಮವನ್ನು ಅವರಿಗೆ ಅರಿವಾಗುವ ಭಾಷೆಯಲ್ಲಿ ತಿಳಿಸುತ್ತಿದ್ದವು ಒಂದು ವೇಳೆ ಕಾರ್ಮಿಕರ ಆರೋಗ್ಯದಲ್ಲಿ ಏರು ಪೇರಾದಲ್ಲಿ ಕೂಡಲೇ ಅವರಿಗೆ ಸೂಕ್ತ ಮಾರ್ಗದರ್ಶನ ನೀಡುವುದು ಅವರ ಮನೆಗೆ oxymeter ಕಳಿಸಿ ಅವರ ನಾಡಿ ಮತ್ತು ತಾಪಮಾನ ಪರೀಕ್ಷಿಸಿ ಇದರಲ್ಲಿ ವ್ಯತ್ಯಯ ಇದ್ದಲ್ಲಿ ಬಿಬಿಎಂಪಿ ಯ ಅಧಿಕಾರಿಯನ್ನು ಸಂಪರ್ಕಿಸಿ ಅಂತಹ ಕಾರ್ಮಿಕರನ್ನು ಅಥವಾ ಅವರ ಕುಟುಂಬದವರನ್ನು ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲಿಸುವುದು ದಿನ ನಿತ್ಯದ ಕೆಲಸವಾಗಿತ್ತು.
- ಈ ಸಮಯದಲ್ಲಿ ಕಾರ್ಖಾನೆಯು ಯಾವುದೇ ಉತ್ಪಾದನೆಯನ್ನು ಮಾಡಿರದ ಕಾರಣ ಆಡಳಿತವರ್ಗಕ್ಕೆ ಯಾವುದೇ ಗಳಿಕೆ ಸಹ ಇರಲಿಲ್ಲ ಆದರೂ ಸಹ ಸರ್ಕಾರದ ಆದೇಶವನ್ನು ಪರಿಗಣನೆಗೆ ತೆಗೆದುಕೊಂಡು ಲಾಕ್ ಡೌನ್ ಸಮಯದಲ್ಲಿ ಎಲ್ಲಾ ಕಾರ್ಮಿಕ ಹಾಗೂ ಸಿಬ್ಬಂದಿವರ್ಗದವರಿಗೆ ಪೂರ್ಣ ವೇತನವನ್ನು ಅವರವರ ಬ್ಯಾಂಕ್ ಅಕೌಂಟ್ ಗೆ ವರ್ಗಾಯಿಸಲಾಯಿತು ಇದರಿಂದ ಕಾರ್ಮಿಕರ ದೈನಂದಿನ ಜೀವನಕ್ಕೆ ಹಾಗೂ ಅವರ ದಿನ ನಿತ್ಯದ ಅಗತ್ಯ ವಸ್ತುಗಳನ್ನು ಖರೀದಿಸಲು ಯಾವುದೇ ತೊಂದರೆಯಾಗಲಿಲ್ಲ.
- ಲಾಕ್ ಡೌನ್ ಸಮಯದಲ್ಲಿ ಕಾರ್ಖಾನೆಗೆ ಸ್ವಯಂ ಪ್ರೇರಿತರಾಗಿ ಒಂದು ಆಡಳಿತವರ್ಗದವರೊಂದಿಗೆ ಸ್ಪಂದಿಸಿ ಫೇಸ್ ಮಾಸ್ಕ್ ಮತ್ತು ಕವರ್ ಅಲ್ ಅನ್ನು ಹೊಲಿದ ಕಾರ್ಮಿಕರಿಗೆ ಹೆಚ್ಚುವರಿ ಗಳಿಕೆ ರಜೆ ನೀಡಿ ಅವರಿಗೆ ಪ್ರೋತ್ಸಾಹ ನೀಡಲಾಯಿತು.
- ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುವ ಗರ್ಭಿಣಿ ಮಹಿಳೆಯರಿಗಾಗಿ ಒಂದು ನಿಯಮವನ್ನು ಮಾಡಿ ಅದರ ಪ್ರಕಾರ ಇವರ ಮೊದಲ ೨ ತಿಂಗಳು ಮತ್ತು ಕೊನೆಯ ೨ ತಿಂಗಳುಗಳ ಕಾಲ ಗರ್ಭಿಣಿ ಮಹಿಳೆಯರಿಗೆ ವೇತನ ಸಹಿತ ರಜೆ ನೀಡಿರುತ್ತೇವೆ ಇದರಲ್ಲಿ ಮೊದಲು ಕಾರ್ಮಿಕರು ಗಳಿಕೆ ರಜೆಯನ್ನು ಉಪಯೋಗಿಸಬೇಕು ನಂತರದ ದಿನಗಳಿಗಾಗಿ ವೇತನ ಸಹಿತ ರಜೆಯನ್ನು ನೀಡಿರುತ್ತೇವೆ ಇದರ ಉದ್ದೇಶವು

ಗರ್ಭಿಣಿ ಮಹಿಳೆಯರ ಆರೋಗ್ಯ ಮತ್ತು ಉತ್ಪಾದಕತೆಯನ್ನು ರಕ್ಷಿಸುವುದು ಮತ್ತು ಅಮೂಲ್ಯ ಉದ್ದೇಶವಾಗಿದೆ.

- j) ಕಾರ್ಖಾನೆಯಲ್ಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿರುವ ಕಾರ್ಮಿಕ ಹಾಗೂ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ವರ್ಗದವರಲ್ಲಿ ಉಂಟಾದ ವರ್ತನೆಯನ್ನು ಮತ್ತು ಅವರಲ್ಲಿ ಸಹ-ಆಸ್ಪತ್ಕತೆ (ಕೋ-ಮಾರ್ಬಿಡ್) ಇರುವವರನ್ನು ಗುರುತಿಸಿ ಅಂದರೆ ಅವರ ರಕ್ತದೊತ್ತಡ, ಸಕ್ಕರೆ ಕಾಯಿಲೆ, ಹೃದಯ ಸಂಬಂಧಿತ ಕಾಯಿಲೆ, ಅಸ್ತಮಾ ಕಾಯಿಲೆ ಇರುವವರನ್ನು ಗುರುತಿಸಿ ಅಂತಹವರಿಗೆ ಯಾರು ಮನೆಯಿಂದ ಕೆಲಸ ಮಾಡಬಹುದೋ ಅಂತಹವರಿಗೆ ಮನೆಯಿಂದಲೇ ಕೆಲಸ ಮಾಡಲು ತಿಳಿಸಿ ಉಳಿದವರಿಗೆ ವೇತನ ಸಹಿತ ರಜೆ ಮಂಜೂರ್ ಮಾಡಿ ಅವರ ಆರೋಗ್ಯವನ್ನು ಸುರಕ್ಷಿತವಾಗಿ ಕಾಪಾಡುವಲ್ಲಿ ಮುಖ್ಯ ಪಾತ್ರವನ್ನು ವಹಿಸಿರುತ್ತೇವೆ ರೋಗ ನಿರೋಧಕ ಶಕ್ತಿ ಹೆಚ್ಚಾಗಲು ಎಲ್ಲಾ ಕಾರ್ಮಿಕ ಹಾಗೂ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಉಚಿತವಾಗಿ ದಿನಕ್ಕೆ ೨ ಬಾರಿ ಪೌಷ್ಟಿಕ ಕಷಾಯವನ್ನು ಕೊಡುತ್ತಿರುತ್ತೇವೆ.
- K ಕೋವಿಡ್ ಪಿಡುಗಿನಲ್ಲಿ ಯಾವುದಾದರೂ ಕಾರ್ಮಿಕ ಹಾಗೂ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಈ ಪಿಡುಗಿನಿಂದ ಸಾವಾದಲ್ಲಿ ಅವರ ಅವಲಂಬಿತ ಸಂಸಾರಕ್ಕೆ ಅನುವಾಗಲು ಹೊಸ ನಿಯಮವನ್ನು ರೂಪಿಸಿದ್ದು ಅದರ ಪ್ರಕಾರ
- i) ಕೋವಿಡ್ ಪಿಡುಗಿನಿಂದ ಕಾರ್ಮಿಕರು ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲಾದಲ್ಲಿ ಅಂತಹವರಿಗೆ ESIC ಮುಖಾಂತರ ಉಚಿತ ಚಿಕಿತ್ಸೆ ಕೊಡಿಸುವುದು ಒಂದುವೇಳೆ ಕಾರ್ಮಿಕ ಹಾಗೂ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ESIC ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡದಿದ್ದಲ್ಲಿ ಅಂತಹವರಿಗೆ ಆಡಳಿತ ವರ್ಗದ ಪರವಾಗಿ ವೈದ್ಯಕೀಯ ವಿಮೆ ಮಾಡಿಸಿರುತ್ತೇವೆ ಒಂದು ವೇಳೆ ಇದಕ್ಕಿಂತಲೂ ಮಿಗಿಲಾಗಿ ಹೆಚ್ಚು ಖರ್ಚಾದಲ್ಲಿ ಹೆಚ್ಚುವರಿ ವೆಚ್ಚದ ಶೇಕಡಾ ೭೫% ರಷ್ಟನ್ನು ಅಥವಾ ಕಾರ್ಮಿಕರಿಗೆ ರೂ ೭೫೦೦೦/-, ಸಿಬ್ಬಂದಿ ವರ್ಗದವರಿಗೆ ರೂ 100000/- ಮತ್ತು ವೈದ್ಯಕೀಯ ವೃತ್ತಿಯಲ್ಲಿರುವವರಿಗೆ ರೂ ೨೦೦೦೦೦/- ಆಡಳಿತ ವರ್ಗವು ಭರಿಸುತ್ತದೆ.
- ii) ಕಾರ್ಖಾನೆಯ ಕಾರ್ಮಿಕ, ಸಿಬ್ಬಂದಿ ವರ್ಗದವರ ಕುಟುಂಬಸ್ಥರಿಗೆ ಕೋವಿಡ್ ಪಿಡುಗು ಬಂದಲ್ಲಿ ಅವರು ೧೨ ದಿನಗಳವರೆಗೆ ರಜೆ ಮೇಲೆ ತೆರಳಬಹುದು.
- iii) ಒಂದು ವೇಳೆ ಕಾರ್ಖಾನೆಯ ಕಾರ್ಮಿಕ, ಸಿಬ್ಬಂದಿ ವರ್ಗದವರು ಕೋವಿಡ್ ಪಿಡುಗಿನಿಂದ ಸಾವಿಗೀಡಾದಲ್ಲಿ ಕಾರ್ಮಿಕರ ವೇತನದ ೧೨ ತಿಂಗಳ ವೇತನವನ್ನು ಕಾರ್ಮಿಕರ ಅವಲಂಬಿತರಿಗೆ ಕೊಡುವುದು ಮತ್ತು ಇವರ ಮಕ್ಕಳು ಓದುತ್ತಿದ್ದಲ್ಲಿ ಅವರ ವ್ಯಾಸಂಗದ ವೆಚ್ಚವನ್ನು ೫ ವರ್ಷಗಳ ತನಕ ಆಡಳಿತವರ್ಗವು ಭರಿಸುತ್ತದೆ ಅಥವಾ ಅವರು ೧೨ ನೇ ಕ್ಲಾಸಿನ ತನಕ ವ್ಯಸನಕ್ಕೆ ತಗಲುವ ವೆಚ್ಚವನ್ನು ಭರಿಸುತ್ತದೆ.
- iv) ಕಾರ್ಮಿಕರ ಅವಲಂಬಿತ ಕುಟುಂಬಸ್ಥರಿಗೆ ೨ ವರ್ಷ ಹೆಚ್ಚುವರಿಯಾಗಿ ವೈದ್ಯಕೀಯ

ವಿಮೆಯನ್ನು ಕೊಡಲಾಗುವುದು.

- l. ಮೇ ತಿಂಗಳಿನಿಂದ ಕಾರ್ಖಾನೆಯ ಹಂತ ಹಂತವಾಗಿ ಕೆಲಸ ಮಾಡಲು ಶುರು ಮಾಡಿತು ಆಗ ಸ್ವಯಂ ಪ್ರೇರಿತ ತಂಡದ ಸದಸ್ಯರು ಪ್ರತಿ ನಿತ್ಯ ಕಾರ್ಮಿಕರು ಕೆಲಸಕ್ಕೆ ಬರುವಾಗ ಮತ್ತು ಕೆಲಸ ಮುಗಿಸಿ ಹೋಗುವಾಗ ನಾಡಿ ಮತ್ತು ತಾಪಮಾನ ಪರೀಕ್ಷಿಸುವುದು ಮತ್ತು ಇದರಲ್ಲೂ ವ್ಯತ್ಯಯ ವಿದ್ದಲ್ಲಿ ಕೊಡಲೇ ಅವರನ್ನು ವೈದ್ಯಕೀಯ ಚಿಕಿತ್ಸೆಗೆ ಒಳಪಡಿಸುವುದು.
- m. ಕಾರ್ಖಾನೆಯ ವಾಹನದಲ್ಲಿ ಕಾರ್ಖಾನೆಗೆ ಬರುವ ಕಾರ್ಮಿಕರನ್ನು ವಾಹನ ಏರುವ ಮೊದಲೇ ತಾಪಮಾನ ಮತ್ತು ನಾಡಿಯನ್ನು ಪರೀಕ್ಷಿಸುವುದು ಮತ್ತು ವಾಹನ ಮತ್ತು ಸೀಟುಗಳನ್ನು ಸ್ಯಾನಿಟೈಜ್ ಮಾಡುವುದು, ವಾಹನದಲ್ಲಿ ಅರ್ಧದಷ್ಟು ಕಾರ್ಮಿಕರನ್ನು ಕರೆದು ತರುವುದು ಮತ್ತು ವಾಹನದಲ್ಲಿ ಸಾಮಾಜಿಕ ಅಂತರವನ್ನು ಕಾಯ್ದು ಕೊಳ್ಳುವುದು.
- n. ಕಾರ್ಖಾನೆಯ ಕೆಲಸದ ಸ್ಥಳದಲ್ಲಿಯೂ ಸಹ ಸಾಮಾಜಿಕ ಅಂತರವನ್ನು ಕಾಯ್ದು ಕೊಳ್ಳುವುದು, ಊಟ ಮತ್ತು ಉಪಹಾರದ ಗೃಹದಲ್ಲಿಯೂ ಸಹ ಸಾಮಾಜಿಕ ಅಂತರವನ್ನು ಕಾಯ್ದು ಕೊಳ್ಳುವುದು.
- o ಆಂಬುಲೆನ್ಸ್ ಡ್ರೈವರ್ ಸದಾ ಸೋಂಕಿತರೊಂದಿಗೆ ಒಡನಾಟ ಮತ್ತು ಪ್ರತಿದಿನ ಆರೋಗ್ಯ ಸುಧಾರಣೆಯ ಬಗ್ಗೆ ವಿವರ.
- p Level 1 ಲೀಡರ್ ಟೀಮ್ ಯಾವ ಪ್ರದೇಶದಲ್ಲಿ ಸೋಂಕಿತರು ಹೆಚ್ಚು ಎಲ್ಲಿ, ಏನು ಮತ್ತು ಎಚ್ಚರಿಕೆ ಹೇಗೆ, ಹಾಗೆಯೇ ಚರ್ಚಿಸಿದ ವಿಷಯಗಳನ್ನು ತಮ್ಮ ತಮ್ಮ ತಂಡದ ಸದಸ್ಯರಿಗೆ ತಿಳಿಸುವುದು ಒಂದೆಡೆ ಆದರೆ
- q ಮತ್ತೊಂದು ಕಡೆ ಹಿರಿಯ ಮಟ್ಟದ ತಂಡ ಹೇಗೆ ಕಾರ್ಯ ಪ್ರಾರಂಭಿಸುವುದು ಮತ್ತು ಯಾವೆಲ್ಲ ಅಗತ್ಯ ಎಚ್ಚರಿಕೆಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳಬೇಕು ಹಾಗೂ ಅದರ ವೆಚ್ಚವನ್ನು ಎಂದೂ ಎಲ್ಲಿ ಎಂಬ ವಿಚಾರಗಳ ಗಮನ
- r ಹಾಗೂ ಪ್ರತಿ ನಿತ್ಯ ಬೆಳಿಗ್ಗೆ ವರ್ಚುವಲ್ ಸಭೆ ಸೇರಿ ಕಾರ್ಮಿಕ ಹಾಗೂ ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಆರೋಗ್ಯದ ಬಗ್ಗೆ ಆಡಳಿತವರ್ಗದವರು ವಿಚಾರಿಸುವುದು ಮತ್ತು ಯಾವುದಾದರೂ ಸೂಕ್ತ ಸಹಾಯ ಅಂದರೆ ಅವರಿಗೆ ಚಿಕಿತ್ಸೆ ಕೊಡಿಸುವುದು, ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲಿಸುವುದು, ಸೂಕ್ತ ಸಮಯದಲ್ಲಿ ಔಷಧಿ ದೊರಕಿಸುವುದು ಇತ್ಯಾದಿ ಇತ್ಯಾದಿಗಳ ಬಗ್ಗೆ ಚರ್ಚಿಸುವುದು ದಿನಚರಿಯಾಗಿತ್ತು.
- s ಈ ಸಮಯದಲ್ಲಿ ಯಾವುದೇ ವ್ಯಾಪಾರ ವಹಿವಾಟು ಗಳು ಎಂದಿನಂತೆ ಇರಲಿಲ್ಲ ಕಾರಣ ನಮ್ಮ ದೇಶದಿಂದ ಯಾವುದೇ ಹೊರದೇಶಕ್ಕೆ ಸರಕನ್ನು ರಫ್ತು ಮಾಡಲಾಗುತ್ತಿರಲಿಲ್ಲ ಮತ್ತು ಹೊರದೇಶದಿಂದ ನಮ್ಮ ದೇಶಕ್ಕೆ ಸರಕನ್ನು ತರುವ ಹಾಗಿರಲಿಲ್ಲ, ದೇಶದಲ್ಲಿ ಎಲ್ಲಾ ಮಾಲ್ ಗಳು ಬಂದ್ ಆಗಿದ್ದವು ಇದರಿಂದ ವ್ಯಾಪಾರ ವಹಿವಾಟು ತಟಸ್ಥವಾಗಿತ್ತು ಇದರಿಂದ ಕಂಪನಿಗೆ ಬಹಳ ನಷ್ಟವಾಯಿತು ಮತ್ತು ನಮ್ಮನ್ನು ಆರ್ಥಿಕ ಮುಗ್ಧಕ್ಕೆ ಸಿಲುಕಿಸಿತು.

t. ಈ ಆರ್ಥಿಕ ಮುಗ್ಗಟ್ಟಿನ ಸಮಯದಲ್ಲಿ ಕಾರ್ಖಾನೆಯನ್ನು ಮುನ್ನಡೆಸಲು ಮತ್ತು ಕಾರ್ಖಾನೆಯನ್ನು ಅವಲಂಬಿಸಿರುವ ಕಾರ್ಮಿಕ ಬಂದುಗಳಿಗೆ ಅನುವಾಗಲು ಮತ್ತು ಎಂದಿನಂತೆ ವ್ಯಾಪಾರ ಚಟುವಟಿಕೆ ಆರಂಭ ವಾಗುವವರೆಗೆ ಅಂದರೆ ಜೂನ್ ನಿಂದ ಆಗಸ್ಟ್ ವರೆಗೆ ಕಾರ್ಮಿಕ ಮುಖಂಡರೊಡನೆ ಮತ್ತು ಕಾರ್ಮಿಕ ಸಮಿತಿಯಲ್ಲಿ ಚರ್ಚಿಸಿ ಒಪ್ಪಂದ ಮತ್ತು ಒಮ್ಮತಕ್ಕೆ ಬಂದು ವಾರದಲ್ಲಿ ನಾಲಕ್ಕು ದಿನ ಕೆಲಸ ಮತ್ತು ೩ ದಿನ ರಜೆಯನ್ನು ನೀಡಲಾಯಿತು ಹಾಗೂ ಕಾರ್ಮಿಕರು ಕೆಲಸ ಮಾಡಿದ ದಿನಗಳಿಗೆ ಪೂರ್ಣ ವೇತನವನ್ನು ನೀಡಲಾಯಿತು.

ಈ ಹಂತದಲ್ಲಿ ಕಾರ್ಖಾನೆಗೆ ಯಾವುದೇ ಕಾರ್ಮಿಕರನ್ನು ಹೊಸದಾಗಿ ನೇಮಿಸಲಾಗಲಿಲ್ಲ.

ಒಟ್ಟಿನಲ್ಲಿ ಏಪ್ರಿಲ್ ೨೦೨೦ ರಿಂದ ಸೆಪ್ಟೆಂಬರ್ ೨೦೨೦ ಕಾರ್ಖಾನೆಯ ಆಡಳಿತವರ್ಗಕ್ಕೆ ಬಹಳ ಕಷ್ಟಕರವಾದ ಸಮಯವಾಗಿತ್ತು.

ಅಕ್ಟೋಬರ್ ೨೦೨೦ ರ ವೇಳೆಗೆ ಹಂತ ಹಂತವಾಗಿ ದೇಶವು ಸಹಜ ಸ್ಥಿತಿಗೆ ಬರಲು ಶುರುಮಾಡಿತು ಮತ್ತು ವ್ಯಾಪಾರ ಕುದುರಲಾರಂಭಿಸಿತು.

ಹಾಗೆಯೇ ಲಾಕ್ಡೌನ್ ಪ್ರಯುಕ್ತ ಕಾರ್ಮಿಕರು ಕಾರ್ಖಾನೆಯನ್ನು ಪ್ರವೇಶಿಸುವಲ್ಲಿ ಭಯದ ವಾತಾವರಣ ಮತ್ತು ತಮ್ಮ ಕೌಶಲ್ಯದಲ್ಲಿ ಖಿನ್ನತೆಯನ್ನು ಎದುರಿಸಬೇಕಾಯಿತು ಕಾರಣ ನಾವು ಆಗ ಮಾಸ್ಕ್ ಮತ್ತು ಕವರ್ ಹಾಲ್ ಹೊಲಿಗೆಯಲ್ಲಿ ಪಾಲ್ಗೊಂಡಿದ್ದು ಆರ್ಥಿಕತೆ ಸುಧಾರಿಸುವ ಪ್ರಯತ್ನ ದೊಂದಿಗೆ ಕಾರ್ಮಿಕರ ಮನದಲ್ಲಿನ ದ್ವಂದ್ವ ಮಾನಸಿಕ ತೊಳಲಾಟ, ಸಾಂಕ್ರಾಮಿಕ ಹರಡುವಿಕೆಯ ಭಯ ಹಿಮ್ಮೆಟ್ಟಿಸುವುದು ನಮ್ಮ ಪಾಲಿಗೆ ಬಿಸಿ ತುತ್ತ ಆಗಿದ್ದು, ಮೊದಲ ಲಾಕ್ಡೌನ್ ನಲ್ಲಿ ನಾವು ಒಂದೊಂದು ಯೂನಿಟ್ ನಲ್ಲಿ ಶೇಕಡ 40 ರಷ್ಟು ಕಾರ್ಮಿಕರು ಕಾರ್ಯವನ್ನು ತ್ಯಜಿಸಿದಷ್ಟೇ ಅಲ್ಲದೆ ತಮ್ಮ ತಮ್ಮ ಹಳ್ಳಿಗಳಿಗೆ ವಲಸೆ ಹೋಗಿದ್ದರು ಎರಡು ತಿಂಗಳ ನಂತರ ಲಾಕ್ಡೌನ್, ತೆರೆದ ನಂತರ ಒಂದು ಕಡೆ ಆರ್ಡರ್ ಗಳ ಸಮಸ್ಯೆ ಎದುರಾಯಿತು ಹಾಗೆಯೇ ಕೌಶಲ್ಯ ಭರಿತ ಕಾರ್ಮಿಕರ ಕೊರತೆಯನ್ನು ಅನುಭವಿಸಬೇಕಾಯಿತು ಅದು ಹೇಗೆಂದರೆ ಮತ್ತೊಮ್ಮೆ ನಾವು ಎಲ್ಲವನ್ನೂ ಅಂದರೆ ಎಲ್ಲವೂ ಹೊಸದಾಗಿ ಸರಿಪಡಿಸುವಂತೆ ಪ್ರತಿ ಕಾರ್ಮಿಕರ ಕೌಶಲ್ಯಕ್ಕೆ ತಕ್ಕಂತೆ ಕಾರ್ಯ ನಿಗದಿತ, ಕೌಶಲ್ಯ ಭರಿತ ಕಾರ್ಮಿಕರ ಹುಡುಕಾಟ, ಪ್ರತಿದಿನ ಕೋವಿಡ್ ಮುನ್ನೆಚ್ಚರಿಕೆ ಕ್ರಮಗಳೊಂದಿಗೆ ಕಾರ್ಮಿಕರನ್ನು ಸಂಸ್ಥೆಯತ್ತ ಕರೆತರುವುದು.

ಹೀಗೆ ಕರೆ ದಂತಹ ಕಾರ್ಮಿಕರ ಯೋಗಕ್ಷೇಮ ದೊಂದಿಗೆ ಅವರನ್ನು ಕೌಶಲ್ಯರನಾಗಿಸುವುದು ಹಾಗೆಯೇ ಕೋವಿಡ್ ಸೋಂಕಿನಿಂದ ಬಳಲುತ್ತಿರುವ ಕುಟುಂಬಗಳಿಗೆ ಸಾಂತ್ವನ, ಕಾರ್ಮಿಕರ ಆರೋಗ್ಯ ಸ್ಥಿತಿ ಗತಿಯ ಹಿಂಬಾಲಿಸುವುದು, ಪ್ರತಿದಿನ ನಮ್ಮ ಸ್ವಯಂ ಸೇವಕರ ತಂಡ ಆಸ್ಪತ್ರೆಯನ್ನು ಭೇಟಿಮಾಡುವುದು ಕಾರ್ಮಿಕರ ತನ್ನ ಜೀವನದಲ್ಲಿ ಯಾವುದೇ ಏರುಪೇರುಗಳನ್ನು ಎದುರಿಸಲು ಅವರಿಗೆ ಹಣವೇ ಬೇಕಾಗಿದ್ದು - ಆರ್ಥಿಕ ಮುಗ್ಗಟ್ಟಿನ ನಡುವೆಯೇ ಅವರಿಗೆ ಸಂಪೂರ್ಣ ವೇತನ ನೀಡುವುದು ನಮ್ಮ ಗುರಿಯಾಗಿತ್ತು.

ಇನ್ನೇನು ದೇಶವು ಸಹಜ ಸ್ಥಿತಿಗೆ ಬಂದು ವ್ಯಾಪಾರ ವಹಿವಾಟು ಕುದುರಲಾರಂಭಿಸಿತು ಎಂದು ಕೊಲ್ಲುವಷ್ಟರಲ್ಲಿಯೇ ಮತ್ತೆ ನಮಗೆ ಕೋವಿಡ್ ೨ನೇ ತರಂಗ ತಟ್ಟಿತು ಮತ್ತು ಈ ರೋಗ ಹರಡುವಿಕೆ ದಿನೇ ದಿನೇ ಹೆಚ್ಚಲಾರಂಭಿಸಿತು ಮತ್ತು ಇದನ್ನು ತಡೆಗಟ್ಟಲು ಪುನಃ ಸರ್ಕಾರವು ಏಪ್ರಿಲ್ ೨೦೨೦ ರಿಂದ ಮೇ ೨೦೨೦ ರ ತನಕ ಕಾರ್ಖಾನೆಗೆ ಲಾಕ್ ಡೌನ್ ಮಾಡಲಾಯಿತು. ಈ ಎರಡನೇ ತರಂಗವು ಬಹು ಕಠಿಣವಾಗಿದ್ದು ನಮ್ಮ ದೇಶವು ಬಹಳಷ್ಟು ಜನರನ್ನು ಕಳೆದುಕೊಂಡಿತು ಯಾವುದೇ ಔಷಧವು ಸರಿಯಾಗಿ ಕೆಲಸ ಮಾಡುತ್ತಿರಲಿಲ್ಲ.

ಈ ಎರಡನೇ ತರಂಗದ ಲಾಕ್ ಡೌನ್ ನಲ್ಲಿ ಯಾವುದೇ ತರಹದ ಕೆಲಸವನ್ನು ಮಾಡಲು ಸರ್ಕಾರವು ಮಾನ್ಯತೆ ಕೊಡಲಿಲ್ಲ ಆದ ಕಾರಣ ಈ ಅವಧಿಯಲ್ಲಿ ಯಾವುದೇ ಉತ್ಪಾದನೆ ಇಲ್ಲದೆ ಕಾರ್ಖಾನೆಯು ತಟಸ್ಥವಾಯಿತು.

ಈ ನಿಟ್ಟಿನಲ್ಲಿ ಯಾವುದೇ ವಹಿವಾಟು ನಡೆಸದ ಕಾರಣ ಮತ್ತು ಮೊದಲನೇ ತರಂಗದಲ್ಲಿ ಆಡಳಿತವರ್ಗವು ಎಲ್ಲಾ ಕಾರ್ಮಿಕರಿಗೆ ಪೂರ್ಣ ವೇತನವನ್ನು ಕೊಟ್ಟಿದ್ದರು ಸಹ ಈ ಎರಡನೇ ತರಂಗದಲ್ಲಿ ಪುನಃ ಪೂರ್ಣ ವೇತನವನ್ನು ಕೊಡುವಲ್ಲಿ ಶಕ್ತರಾಗಿರಲಿಲ್ಲ ಆದರೂ ಸಹ ಕಾರ್ಮಿಕರಿಗೆ ಮತ್ತು ಅವರ ಕುಟುಂಬದವರಿಗೆ ಸಹಾಯ ಮಾಡಲು ಕೂಲಂಕುಷವಾಗಿ ವಿಚಾರಣೆ ಮಾಡಿ ಕಾರ್ಮಿಕರೊಂದಿಗೆ ಮತ್ತು ಕಾರ್ಮಿಕ ಮುಖಂಡರೊಂದಿಗೆ ಮತ್ತು ಕಾರ್ಮಿಕ ಸಮಿತಿಯಲ್ಲಿ ಚರ್ಚಿಸಿ ಈ ಲಾಕ್ ಡೌನ್ ಸಮಯದಲ್ಲಿ ಅರ್ಧದಷ್ಟು ವೇತನವನ್ನು ಮುಂಗಡ ವಾಗಿ ಮತ್ತು ಉಳಿದ ಅರ್ಧದಷ್ಟು ವೇತನವನ್ನು ಕಾರ್ಮಿಕರ ಗಳಿಕೆ ರಜೆ ವೇತನವನ್ನಾಗಿ ಮಾರ್ಪಾಡು ಮಾಡಿ ಪೂರ್ಣ ಪ್ರಮಾಣದ ವೇತನವನ್ನು ಕೊಟ್ಟಿತು ಇದರಿಂದ ಎಲ್ಲಾ ಕಾರ್ಮಿಕ ವೃಂದದವರಿಗೆ ಮತ್ತು ಅವರ ಕುಟುಂಬಕ್ಕೆ ತಮ್ಮ ದಿನ ನಿತ್ಯದ ಜೀವನವನ್ನು ಸಾಗಿಸುವಲ್ಲಿ ಸಹಾಯವಾಯಿತು ಮತ್ತು ಮೊದಲನೇ ಲಾಕ್ ಡೌನ್ ಸಮಯದಲ್ಲಿ ಮಾಡಿದ ಕೆಲಸಗಳಾದ ಸ್ಯಾನಿಟೈಜ್, ದಿನ ನಿತ್ಯ ನಾಡಿ ಮತ್ತು ತಾಪಮಾನ ಪರೀಕ್ಷೆ, ಅರ್ಧದಷ್ಟು ಜನರನ್ನು ಕೆಲಸಕ್ಕೆ ಕರೆಸಿ ತಿರುಗುವಿಕೆಯ ಆದಾರದ ಮೇರೆಗೆ ಕೆಲಸ ಮಾಡಿಸುವುದು, ಕೆಲಸದ ಆವರಣದಲ್ಲಿ ಸಾಮಾನ್ಯ ಅಂತರವನ್ನು ಕಾಯ್ದುಕೊಳ್ಳುವುದು, ಪ್ರತಿನಿತ್ಯ ಕಾರ್ಮಿಕರ ತೊಂದರೆ, ಅವರಿಗೆ ಸೂಕ್ತ ಚಿಕಿತ್ಸೆ, ಔಷಧ ಕೊಡುವುದು ನಮ್ಮ ಕೆಲಸವಾಗಿತ್ತು.

ಈ ಕೋವಿಡ್ ಪಿಡುಗು ಸಲೀಸಾಗಿ ಹೋಗುವುದಿಲ್ಲ ಎಂದು ಮನಗಂಡ ಆಡಳಿತವರ್ಗವು ಕಾರ್ಮಿಕರ ಶ್ರೋತೃಭಿಲಾಷೆಗಾಗಿ ಪ್ರತಿ ೧೫ ದಿನಕೊಮ್ಮೆ ಎಲ್ಲಾ ಕಾರ್ಮಿಕರಿಗೆ ಕೋವಿಡ್ ಪರೀಕ್ಷೆ ಮಾಡಿಸಿ ಇದರಲ್ಲಿ ಯಾವುದಾದರೂ ಕಾರ್ಮಿಕರಿಗೆ ಕೋವಿಡ್ ಪಾಸಿಟಿವ್ ಆಗಿದ್ದಲ್ಲಿ ಅವರಿಗೆ ಆಸ್ಪತ್ರೆಗೆ ದಾಖಲಿಸುವುದು, ಕೋವಿಡ್ ಕೇರ್ ಸೆಂಟರ್ ಗೆ ಸೇರಿಸುವುದು ಮತ್ತು ಅವರು ಸುರಕ್ಷಿತವಾಗಿ ಮನೆಗೆ ವಾಪಸ್ಸಾಗುವವರೆಗೂ ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿ, ವೈದ್ಯಾಧಿಕಾರಿಯೊಂದಿಗೆ ಚರ್ಚಿಸಿ ಮಾಹಿತಿ ಪಡೆಯುತ್ತಿದ್ದವು ಮತ್ತು ಕೋವಿಡ್ ಪಿಡುಗನ್ನು ಮೆಟ್ಟಿ ನಿಂತು ಕೆಲಸಕ್ಕೆ ವಾಪಸ್ಸಾದ ಕಾರ್ಮಿಕ ವೃಂದದವರಿಗೆ ಆಡಳಿತವರ್ಗವು ಹೂ ಗುಚ್ಚವನ್ನು ನೀಡಿ ಸ್ವಾಗತಾರ್ಹವನ್ನು ಮಾಡಿದವು ಮತ್ತು ಈ ಪಿಡುಗಿನಿಂದ ಎಲ್ಲಾ ಕಾರ್ಮಿಕರನ್ನು ರಕ್ಷಣೆ ಮಾಡುವ ಉದ್ದೇಶದಿಂದ ಪುನಃ ಬಿಬಿಎಂಪಿ, ಕೈಗಾರಿಕೆ ಮತ್ತು ವಾಣಿಜ್ಯ ನಿರ್ದೇಶನಾಲಯ, ಜಿಲ್ಲಾಧಿಕಾರಿ,

ಸಂಬಂಧಪಟ್ಟ ಸಚಿವಾಲಯವನ್ನು ಸಂಪರ್ಕಿಸಿ ಎಲ್ಲಾ ಕಾರ್ಮಿಕರಿಗೆ ಕೋವಿಡ್ ಚುಚ್ಚು ಮದ್ದನ್ನು ಉಚಿತವಾಗಿ ನೀಡಿ ಅದಕ್ಕೆ ಅನುಗುಣವಾಗಿ ಕೋವಿಡ್ ವ್ಯಾಕ್ಸಿನೇಷನ್ ಪ್ರಮಾಣ ಪಾತ್ರವನ್ನು ನೀಡಿರುತ್ತೇವೆ. ಈ ಕೋವಿಡ್ ಚುಚ್ಚು ಮದ್ದನ್ನು ಮೊದಲ ಮತ್ತು ಎರಡನೇ ಬಾರಿ ನೀಡಿರುತ್ತೇವೆ ಹಾಗೂ ಹೊಸದಾಗಿ ಕೆಲಸಕ್ಕೆ ಸೇರಲು ಬರುವ ಕಾರ್ಮಿಕರಿಗೂ ಸಹ ಈ ಚುಚ್ಚುಮದ್ದನ್ನು ನೀಡಿ ನಮ್ಮ ಕಂಪನಿಯ ಆಸ್ತಿಯಾದ ಕಾರ್ಮಿಕ ವೃಂದದವರನ್ನು ರಕ್ಷಿಸಲು ಪಣತೊಟ್ಟಿದ್ದೇವೆ.

ಹೀಗೆ ನಾವು ಎದುರಿಸಿ ನಿಂತ ಸವಾಲು ಹಲವಾರು ಆದರೆ ಕೆಲವು ಮಾತ್ರ ನಮ್ಮಲ್ಲಿ ಕಹಿ ನೆನಪನ್ನು ಮೂಡಿಸಿದರೆ ಇನ್ನು ಕೆಲ ಪರಿಸ್ಥಿತಿಗಳು ನಮ್ಮನ್ನು ಆತ್ಮವಿಶ್ವಾಸದೊಂದಿಗೆ ಮುನ್ನುಗ್ಗುವಂತೆ ಪ್ರೇರೇಪಿಸಿತು

ಈ ಸವಾಲುಗಳ ಪ್ರಕ್ರಿಯೆ ನನ್ನಲ್ಲಿ ಹೊಸ ಹೊಸ ಯೋಜನೆ ರೂಪಿಸಲು ಅಷ್ಟೇ ಅಲ್ಲದೆ ಅವುಗಳನ್ನು ಸರಿಯಾದ ಸಮಯದಲ್ಲಿ ಅಳವಡಿಸಿ ಪ್ರತಿಯೊಂದು ಹೆಜ್ಜೆಯನ್ನು ಯೋಚಿಸುತ್ತಾ ಇಡಬೇಕಾಯಿತು ಹೀಗೆ ಪ್ರತಿಯೊಂದು ಯೋಜನೆಯನ್ನು ನಮ್ಮ ಸಂಸ್ಥೆಯು ಇಂದು ಮೊದಲಿನಂತೆ ಸುಧಾರಿಸಲು ಸಹಾಯ ಮಾಡಿದ್ದೆಂದರೆ ಸುಳ್ಳಲ್ಲ.

ಇಂದು ನಮ್ಮ ಸಂಸ್ಥೆಯಲ್ಲಿ ಲಾಕ್ ಡೌನ್ ಸಮಯದಲ್ಲಿದ್ದ ಮನವ ಸಂಪನ್ಮೂಲ(ಕೌಶಲ್ಯ ಭರಿತ) , ಉತ್ಪಾದಕತೆ ಹಾಗೆಯೇ ಉತ್ಪಾದಿಸಿದ ವಸ್ತುಗಳಿಗೆ ಮಾರುಕಟ್ಟೆಯನ್ನು ಒದಗಿಸುವಲ್ಲಿ ಸಮರ್ಥರಷ್ಟೇ ಅಲ್ಲ ಕಾರ್ಮಿಕರು ಇನ್ನೂ ಯಾವುದೇ ಸಾಂಕ್ರಾಮಿಕ ರೋಗ ಬಂದರೂ ಕಂಪನಿಯೊಂದಿಗೆ ಇರುವರೆಂಬ ವಿಶ್ವಾಸ ಮನಸಲ್ಲಿ ಮೂಡಿಸಲು ಹಾಗೂ ಸಂಸ್ಥೆಯು ಕಾರ್ಮಿಕರ ನಂಬಿಕೆಯನ್ನು ಗಳಿಸುವಲ್ಲಿ ಯಶಸ್ವಿಯಾಗಿದೆ.

ಈಗ ವ್ಯಾಪಾರ ವಹಿವಾಟು ಚೆನ್ನಾಗಿ ನಡೆಯುತ್ತಿದ್ದು ಪ್ರಗತಿ ಪರದತ್ತ ಹೆಜ್ಜೆಯಿಡುವ ಎಂದು ನಡೆಯುತ್ತಿರಬೇಕಾದಾಗ ಮತ್ತೆ ನಮಗೆ ಒಮಿಕೋನ್ ಎಂಬ ೩ ನೇ ಕೋವಿಡ್ ತರಂಗದ ಬಗ್ಗೆ ಕೇಳಿಬರುತ್ತಿದ್ದು ಮತ್ತು ನಮಗೆ ಹೆಚ್ಚು ಕಳವಳ ಉಂಟುಮಾಡುತ್ತಿದೆ ಮತ್ತೆ ೩ ನೇ ಬಾರಿಗೆ ಲಾಕ್ ಡೌನ್ ಆಗದಂತೆ ಜನ ಸಾಮಾನ್ಯರು ಮುಂಜಾಗ್ರತಾ ಕ್ರಮವನ್ನು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಪಾಲಿಸಿ ೩ ನೇ ಕೋವಿಡ್ ತರಂಗವನ್ನು ಮೆಟ್ಟಿನಿಲ್ಲುವಂತಾಗಲಿ ಎಂದು ಆಶಿಸುತ್ತಾ ನಮ್ಮ ಹಿರಿಯರು ಹೇಳಿದ ಮಾತುಗಳನ್ನು ನೆನಪು ಮಾಡಿಕೊಳ್ಳುತ್ತಾ ಈ ಲೇಖನವನ್ನು ಮುಗಿಸುತ್ತಿದ್ದೇನೆ.

“ಕಷ್ಟಗಳು ಬರುವುದು ನಮ್ಮನ್ನು ಬಲಹೀನರಾಗಿಸುವುದಕ್ಕಲ್ಲ, ಬದಲಿಗೆ ನಮ್ಮನ್ನು ಗಟ್ಟಿಗೊಳಿಸಲು”



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Few Recent Precedents

Precedent 1 - Brief Note: In this landmark case, the Hon'ble Supreme Court has upheld the view of the Hon'ble High Court of Karnataka that a workman, even if facing a departmental inquiry, can be denied the status of 'protected workman' and that an order of conviction is not necessary to deny him that status. The Court has also reiterated that the only remedy available to the workman on such denial is to approach the Conciliation Officer.

ITEM NO.23 Court 6 (Video Conferencing) SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.10697/2019

(Arising out of impugned final judgment and order dated 01-02-2019 in WA No.3216/2018 (L-RES) passed by the High Court of Karnataka at Bengaluru)

WONDERLA KARMIKA SANGHA

Petitioner(s)

VERSUS

ASSISTANT LABOUR COMMISSIONER BENGALURU
DIVISION I & ANR.

Respondent(s)

Date : 11-12-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M. M. SUNDRESH

For Petitioner(s) Mr. Shekhar G. Devasa, Adv.
M/S. Devasa & Co., AOR

For Respondent(s) Mr. Shanthakumar V. Mahale, Adv.
Mr. B. K. Prashanth, Adv.
Mr. Rajesh Mahale, AOR

UPON hearing the counsel the Court made the following
O R D E R

In the given facts of the case, we are not inclined to interfere under Article 136 of the Constitution of India but we leave the question of law open as there are apparent difference of perceptions amongst different High Courts on the legal issue.

The special leave petition is dismissed in terms aforesaid.

Pending applications stand disposed of.

Signature Not Verified
Digitally signed by
RASHMI DHYANI
Date: 2022.02.13
17:08:23 IST
Reason:

(RASHMI DHYANI)
COURT MASTER

(POONAM VAID)
COURT MASTER

Precedent 2 - Brief Note: In this case it was held by the Hon'ble High Court of Karnataka that report of the Inquiry Committee itself is not sufficient to impose penalty as per the Service Rules since the same was a stand taken by the Apex Court in earlier cases of Vishaka v. State of Rajasthan and Medha Kotwal Lele case, which were in operation only until a legislative enactment on that subject was to be in place. Since the currently applicable statute mandates that the Service Rules of the Respondent need be followed in conducting an inquiry, and the same was not done in the instant case, the Court upheld the Petitioner's right to approach this court and challenged the second show cause notice. The said notice was quashed.

Case Extract

**Dr. Arabi V. Registrar Mangalore University,
WP 15070/2020 - DD 20.07.2021**

In the present case, all the three elements are attracted, as a result of which it must follow that the stated order is ex facie stigmatic and punitive. Such an order could be issued only after subjecting the incumbent to a regular inquiry as per the service rules. As a matter of fact, the Internal Complaints Committee had recommended to proceed against the appellant appropriately but the Executive Council proceeded under the mistaken belief that in terms of Clause 7 of the contract, it was open to the Executive Council to terminate the services of the appellant without a formal regular inquiry as per the service rules. Indisputably, in the present case, the Internal Complaints Committee was constituted in reference to the complaints received from the girl students about the alleged misconduct committed by the appellant, which allegations were duly inquired into in a formal inquiry after giving opportunity to the appellant and culminated with the report recording finding against the appellant with recommendation to proceed against him.

A priori, we have no hesitation in concluding that the impugned termination order dated 30-11-2017 is illegal being ex facie stigmatic as it has been issued without subjecting the appellant to a regular inquiry as per the service rules. On this conclusion, the appellant would stand reinstated, but whether he should be granted back wages and other benefits including placing him under suspension and proceeding against him by way of departmental or regular inquiry as per the service rules, is, in our opinion, a matter to be taken forward by the authority concerned in accordance with law.

ORDER

- (a) Writ Petition is allowed.
- (b) The impugned show cause notice dated 05.11.2020 Annexure AA stands quashed.
- (d) It is declared that no penalty can be imposed against the petitioner on the basis of the report of the committee in terms of the Service Rules of the University without holding any inquiry as obtaining under the Service Rules.

Photo Gallery of Student Chapter



Inauguration of Student Chapter Nagarjuna Degree College on October 23rd 2021.



Inauguration of Student Chapter Nagarjuna Degree College on October 23rd 2021.



Inauguration of Student Chapter RR Institute of Advanced Studies on December 29th 2021

Photo Gallery of Student Chapter



Inauguration of Student Chapter Nitte Meenakshi Institute of Technology on Dec 30th, 2021



Inauguration of Student Chapter Nitte Meenakshi Institute of Technology on Dec 30th, 2021



Inauguration of Student Chapter Nitte Meenakshi Institute of Technology on Dec 30th, 2021

Photo Gallery



EC Meeting at Century Club on 5th October 2021



EC Meeting at Century Club on 5th Oct 2021



Trust Meeting at NIPM Office on 18th Dec 2021



Campus to Corporate Event at Nagrajuna Degree College on 30th Nov 2021

Enforceability of Employment Contracts in Law - A Case Study



By **K.Vittala Rao.**
Management Consultant,
Bangalore

All Corporates do engage people suitable to any position based on Technical skills with expertise in the respective area. The engagement is based on an “Employment Contract” normally captioned as Letter of Appointment. The Employment Contracts may be normal one and / or may be incorporating certain conditions like - non-compete, non-solicitation, non-disclosures of technical knowhow, serve the company for a stipulated number of years, if not, to claim un-liquidated or liquidated damages in case of any breach by either party, to guard Intellectual Property, etc. Obviously, any Employment Contract must stand the test of Law at any time, otherwise, it is a futile one. Right from the entry of a new recruit all through the stay in a Corporate till exit, the various terms and conditions incorporated in the Employment Contract are to be meticulously observed by both the Parties including the method or procedure of severance. Hence, it is absolutely essential that while drafting an Employment Contract one must keep in mind its enforceability before a Court of Law. Hence, an attempt is being made in this direction to enlighten the Corporates in presenting this Case Study on the subject.

Mr Khadilkar: “Good morning everybody. I am glad to share with you all an important project which the Company has decided to take up. As you are all aware, during my last visit to Germany, I have signed an agreement with Bexteer for manufacture and supply of transmission spares for aircrafts. The component is highly sophisticated and highly advanced with latest technologies. Our Company will be the first to manufacture such components and export. On an estimate, if we get the orders, our capacity utilisation will go upto 85 % and the margins will be good. It is a great business challenge and I am glad to announce that Company has already signed the Contract with Bexteer. Bexteer will train our engineers with their latest technology. I am convening the meeting with Project Team to work out the details with regard to putting up any additional machinery required

and also if there is any requirement to re-modify the lay out etc. Mr Sexana, it is for you to identify and select suitable Managers and there is no need for me stress upon that they must be excellent in engineering. I want Mr Ramesh along with Mrs Veena to make a presentation on the matter within the next 5 days I want all of you to give a proposal including executing a Contract with them. I want you all to bear in mind that we will have to incur various expenditure in connection with the travel to Germany, board & lodge and other expenses, the training period would be six months and after they come back, the execution of project will be dependant on them. I want all of you to bear in mind that the technical know-how is highly confidential which will be an intellectual property and I want the Managers who will be selected to sign a contract that they shall not part with

the technical know-how to anyone outside while in service or even after service. I do not want them to join any competitor or anyone who is or will be engaged in the manufacture of similar components. And they need to serve the Company for 5 years. In case, they violate any conditions, I need not tell you all that the Company needs to recover all the expenses and also levy heavy damages and importantly, they must be restrained to take up any employment with any potential competitor. I trust, all of you have understood the importance in this regard. Here where, I need good essentials & a clear proposal from Ramesh and Veena. Thank you all, please go ahead and will meet on next Monday”.

Mr Khadilkar is the Managing Director of Premier Engineering Company Ltd located at Pune. The Company is 15 years old with an employee strength of 1200 - out of which 300 are in the Managerial and Supervisory level and balance, the workmen. The Company, at present a precision component manufacturing one catering to the market in automobile, locomotive and aircrafts. Backed with 65 % of the market share, the Company has earned high repute and the growth and profitability has been consistently on an increasing trend.

Mr. Sexana is the Head Operations, Mr Ramesh is Head - HR and Mrs Veena, Company Secretary & Legal.

While coming out of the Board Room, Veena said “ Ramesh, we have a tough job ahead, can you make some broad points and issues that may be required to address from the point of view of legality. Sometime back, you remember I had shared a copy of the Contract of some other Company?. If you can trace it and with your points of issues, we can meet tomorrow morning. Is it OK with you ?

Ramesh, being enthusiastic, immediately said “yes”. Veena responded that she will also make relevant points in the meanwhile.

Next day Ramesh and Veena had a discussion meeting. “ Veena, I have made the following points on which we should deliberate. If you have any more issues, we can add and discuss”

The points made by Ramesh were:

- a. The period of deputation for training to Germany is 12 months.

- b. Undergo the training with full devotion and feedback from Bexteer is required.
- c. In case, the assessment during the period is unsatisfactory, he has to be called back. Then what about the recovery of the entire expenses incurred by the Company ?
- d. Similarly, if he abandons the training by tendering resignation, what happens about the recovery?
- e. After successful completion of training, back at Pune, he must serve the Company for a period of 5 years.
- f. He should be bound by the terms that he shall not take up any employment with any other Company engaging similar business or any competitor.
- g. How much should we specify as the damages to be claimed apart from recovering the entire cost of training?
- h. He must furnish an undertaking that he shall not take up any employment with any other employer at least for a period of 10 years.
- i. He shall undertake that he shall not disclose or divulge any technical knowhow or any relevant information to any outsider during the employment with the Company and even thereafter.

“Well, that's good Ramesh, you have brought up very relevant issues. In the meanwhile, have you been able to see any similar Contracts of other Companies which I indicated yesterday” said Veena. “Yes, I have gone through in detail. In fact the terms of contract have been very strongly worded covering the points which I just read out to you. I think, we can incorporate most of the terms with some appropriate modifications” Ramesh said very confidently.

“But, Ramesh we need to examine closely from the point of enforce ability in a court of law. Otherwise, you know, it remains on paper” said Veena. She continued “ I have asked the finance department to pre-estimate the budget in this project, particularly, the budget to be allocated towards the training expenses etc”.

“In the meanwhile, Veena, let us start working on this without any further delay” suggested Ramesh.

“I have certain major concerns; first of all under Sec.27 of the Indian Contract Act, a contract renders itself null & void, in case it is against the public policy. Here, the public policy means if it is against any fundamental rights of an individual, meaning imposing restrictions on him which hurts his rights. Can we understand that the individual is restricted to take up any employment, then such agreement is hit by Sec.27 & thus becomes null & void?” Veena expressed in a questionable gesture.

“Look, Veena, does it mean to say that he is free to take up employment even with our competitors with the acquired technical knowledge and know-how and are we to become so helpless. I think we need to see the remedy, otherwise, do you think Mr Khadilkar will ever accept this” Ramesh immediately reacts.

“See, Ramesh, this is not the only concern, but I have several. Non-disclosure clauses while in employment & outside employment, restrictive clauses like, the duration of period of employment, the recovery process in case he leaves without completing such period, the liquidated damages, un-liquidated damages etc are all serious concerns. In fact, yesterday I fully spent time in studying the entire lot from the point of judiciary. There are many judgements in this regard and we need to be cautious enough while drafting the contract so also to strategize the matter ”.

Both Ramesh and Veena deliberated further and came to a conclusion to discuss with the Legal Advisor of the Company, Mr.Rao.

“Well, the both of you have prepared an elaborate brief and you have come up with your concern supported by critical legal interpretations by various courts. You have made my job easy and I will explain in detail based on which you can work out further plans” said Mr.Rao during the consultation meeting with Ramesh & Veena.

“Veena, the point you made that if the terms of contract is opposed to public policy is void & unenforceable is very correct. Now, before I get into the issues, I want to tell you that all

the conditions or restraints etc are definitely enforceable during his employment with the Company, because, being an employee he is bound them. But, the moment he leaves the company i.e., post-employment, the enforceability is a major concern. Let us proceed further. What is public policy has been elaborated in many judgments. For instance, in the case of Sir Richard Couch, C.J. in *Madhup Chunder v. Rajcoomar Doss* (1874) 14 Beng. L.R. 76, the interpretation of restraint of trade during the post-contractual period is opposed to public policy; in the case of *Percept D' Mark (India) (P) Ltd. v. Zaheer Khan & Anr.* (2006) 4 SCC, the Supreme Court said that the interpretation of 132 years old, even now remains unchanged. Like this there are many judgments in *Niranjan Shankar Golikari, Superintendence Company of India and Gujarat Bottling, American Express, Wipro Ltd. V. Beckman Coulter International, R. Babu and Anr Vs TTK LIG Ltd* in which there are reiterations that restrictive covenants are not enforceable.”

Mr Rao continued “But, you can definitely claim liquidated damages for the breach of the contract. Liquidated damages is one which is pre-estimated and arrived at taking into account all the expenses the management is likely to incur. Hence, you can arrive at this pre-estimate and pre-determined amount and can incorporate in the contract. The Courts will allow depending on the facts & circumstances of each case which is reasonable, but not exceeding the amount of liquidated damages. Another point, you need to keep in mind, that you mentioned that in case he fails to serve the Company for 3 years, the Company shall also claim and an amount of Rs.5 lakhs or five times the salary. In Law, this is called as “penalty or “terrorem”. Here also, the Courts may allow a reasonable compensation as deemed fit. Also, you need to bear in mind that the claim may be allowed in proportion to the period of service not served by him. To explain, if he has completed, let us say, he has worked for 2 years and the balance period is 1 year, then, the claim may be proportionately for 1 year only and the Company cannot claim the entire amount so mentioned”.

Veena added “ We must keep these in mind while we draft the contract”.

Ramesh immediately reacted “we seem to have plenty of restrictions - like one can take up employment even with the competitors and claims of liquidated and un-liquidated damages, then, what if he solicits or even if he causes any damage or any loss to the business of our Company ? Are we so helpless?”.

“No concerns, Ramesh” says Mr Rao, “the Company can definitely claim damages against any loss or damage to business. But, this amount needs to be assessed properly, quantified, the Court may allow compensation depending on the facts & circumstances of the case”.

Veena concluded, “Thank you, Mr Rao, now, we are now clear as to how the contract can be drafted and also we can convince the Managing Director”.

TAKEAWAYS:

Non-Compete Contracts: Not Enforceable. It is hit by Sec.23 & Sec. 27 of the Indian Contract Act. It is against the “Public Policy” and violates of the rights guaranteed under the Constitution of India. In case, these types of Contracts are Omnibus, then it is more obvious that such contracts will be non- enforceable.

Non-Disclosure Contracts: During employment it is enforceable. Outside employment, it is not enforceable. No relief can sought either by way of injunctions or any restrictions. But, in extreme cases, relief may be sought, but very rare. Here also, Omnibus type of contracts, then it is definitely non-enforceable. One has to make out extreme situations which lead to damage the business. But, however, in such cases, un-liquidated damages can be claimed, which has to be substantiated the extent of damage and must be able to prove the same.

Non-Solicitation Contracts: During employment, the Contract is enforceable. But, not outside the employment, But, however, in extreme cases, where the solicitation and disclosures really hit thus causing irreparable injury to the Employer, then, some relief may be available. But, here again, omnibus contracts are non-enforceable.

Liquidated Damages mean the pre-estimated and pre- agreed quantum. The Contract must speak by itself that the terms pertaining to this, has been discussed thoroughly and the employee has fully understood and agreed to. No coercion or force or any compelling reasons must be exhibited precisely.

Un-liquidated Damages: It is not a pre-estimated damage. These amount to “penalty” and relief may be reasonable based on the facts of the case, which the court considers.



Dharna Staged by Permanent Workers and Personnel Officer Manhandled - A Case Study



by **Bhima Rao**,
HR Adviser & Trainer
based out of Bangalore.
Email : bhima26@gmail.com

A Manufacturing company has two plants with over 4000 workers and three different unions. The company conducts secret ballot and negotiates with the majority union for a period of three years. The recognized Union and the management had prolonged negotiation and arrived at an understanding on Ex gratia payment based on achieving certain Turn over and the basis of Ex gratia will be based on Value addition formula. The other two union were also invited to participate in the Conciliation process and finally MOU was signed by recognized union and settlement was signed under section 12 (3) of Industrial disputes act 1947. As per the agreement the workers who submit an undertaking to abide by the conditions stipulated in the settlement will only be given Ex gratia payment (Over and above payment under payment of bonus act 1965). Few of the terms of undertaking were that workers shall diligently work, adhere to discipline and strive for enhancing productivity.

The other two unions participated in the conciliation meeting, but walked out and did not sign the settlement before the conciliation officer. They started protesting in front of the gate. On the day, the undertaking letters were distribute to workers, the members of minority union sat in the Personnel department demanded to with draw the condition of signing an undertaking and disburse the ex gratia payment to all workers. They started abusing a young

Personnel officer in his office around 2-20 PM. Few shouted slogans, few abused him in filthy language and few pulled him out of the office and manhandled him. By that time senior Production Managers intervened and separated them. However there was no injury to Personnel officer. He was shattered and made a written complaint to AVP_ Personnel and VP- Production. He named about 13 workers who are responsible and involved in manhandling him.

The Management took the matter seriously, an investigation was conducted, written reports were taken by the witnesses and prepared the suspension pending enquiry letter to 13 workers. All of them were the members of minority unions. The moment the news spread, 2 workers submitted apology letters and they submitted resignation. Another 2 workers expressed sorry and opted to go out under the voluntary retirement scheme which was applicable to them as they were above 55 years of age. All other 11 members collected the suspension pending enquiry letter and announced that they are ready to face any consequences.

The HR Department had several dilemmas to deal the matters. Will it be prudent to accept the resignation of two workers and offer the benefits of voluntary retirement scheme? Management has right to suspend the delinquent workers, but will it not make the things worse and IR situation may go out of

control and what next if majority of the workers go on strike. Then, the situation may arise to withdraw the suspension orders.

THE TOP MANAGEMENT viewed the matter seriously and it was prepared for any eventualities. The Management took a stand to appoint an Inquiry officer from a judicial back ground and conduct a fair inquiry, provide subsistence allowance to the suspended workers and adopt all legal methods to conduct the inquiry and not to withdraw the suspension order.

CONCLUSION: The Management was firm in its approach and the settlement which was

signed under section 12(3) of Industrial disputes act 1947 was implemented in all respect. As such other unions did not challenge the settlement before the court of law. The domestic Inquiry was conducted by Retired District Magistrate. After about 15 months, the inquiry was completed. Based on the findings all the 11 workers were terminated as per due process of law. This case study highlights that if the Management adopts the fair approach and also follow the legal process methodically, the unrest can be stopped and pave way for Industrial peace and harmony in a long run.

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- David Ogilvy

MULTITASKING AND THE BRAIN



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About two thousand years ago, a Latin writer said:
To do two things at once is to do neither.

We have been hearing that multitasking is a good thing and the ability to handle multiple tasks at the same time is a positive trait. Many organizations have “multitasking skill” as one of the requirement in their basic qualifications. The Figure 1 is one such snapshot from LinkedIn posted by a multinational company that focuses on e-commerce.



Basic Qualifications

- Proven working experience in project management
- Excellent client-facing and internal communication skills
- Excellent written and verbal communication skills
- Solid organizational skills including attention to detail and multitasking skills

Fig. 1. This is a snapshot from a LinkedIn job posting of a popular multinational company that focuses on e-commerce. The basic qualification asks for multitasking skillset.

But is it possible that Multitasking is overrated? Here are some supporting evidences from Science and from a practical experiment. You can be the judge!

Glenn Wilson conducted a study [2] for Hewlett-Packard and found that the participants who multitasked during cognitive tasks experienced a lowering of intelligence quotient (IQ) scores. The results showed that technological distractions diminished the IQ test performance scores by almost 10 points!

As a practical experiment, for this article, I tried to reproduce a simple multi-tasking exercise. You can also try this for yourself or on a volunteer family member, friend or

colleague. What you need is a sheet of ruled paper (or lined paper), a pen and a watch or stop clock to measure your timings.

1. As the first task, you will start the timer and write the following sentence in the first line of the paper: BRIGHTER MINDS IS COOL! Note that all are the letters are in capital letters, and there are three spaces and one exclamation sign. In the second line, you will write the numbers 1, 2, 3, ... 23 one after another. Stop the timer and note down your timings
2. For the second task, you will use the third and the fourth empty lines in the sheet of paper. You will start the timer and write the two lines of the first task together. It

will be something like this: “B” in the third line, “1” in the fourth line; “R” in the third line, “2” in the fourth line; “I” in the third line, “3” in the fourth line; and so on until you reach “!” in the third line

and “23” in the fourth line.

As a demonstration for this article, I tried it on myself and here is how I fared (see Fig. 2).

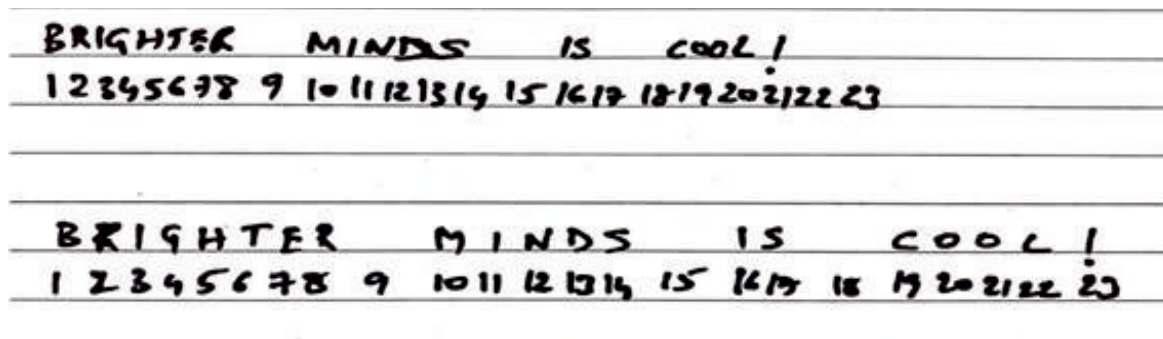


Fig. 2 A simple multitasking experiment to try. The writing of the first two lines are timed while writing sequentially one after the another, while the other two lines are timed while writing simultaneously as explained in the text.

Since I knew the results of this exercise, I was careful while writing and yet I made a few mistakes like in the alphabets “D”, “R” and in the number “2”. It took me 28 seconds on the first two lines and 44 seconds on the next two lines. When we tried this out on some randomly selected experimenters from an audience, here is a summary:

1. Multitasking was stressful and they had to be extra careful in avoiding mistakes
2. The quality of writing was affected in the third and the fourth line, and there were also more likely chances of mistakes
3. The time taken to finish the multi-task was longer than the sequential single tasks. Sometimes it was almost a double!

It was earlier thought that multitasking affected the brain only for a shorter duration of time but recent evidence has pointed out that the effect might be longer than earlier anticipated. A 2009 study published in PNAS showed that media multi-taskers couldn't ignore irrelevant things and had poor memory [1]. Neuroscientists Kep kee Loh and Ryota Kanai [3] revealed that people who frequently use several media devices at the same time have lower grey-matter density in a specific region of the brain, the anterior cingulate cortex (ACC), compared to those

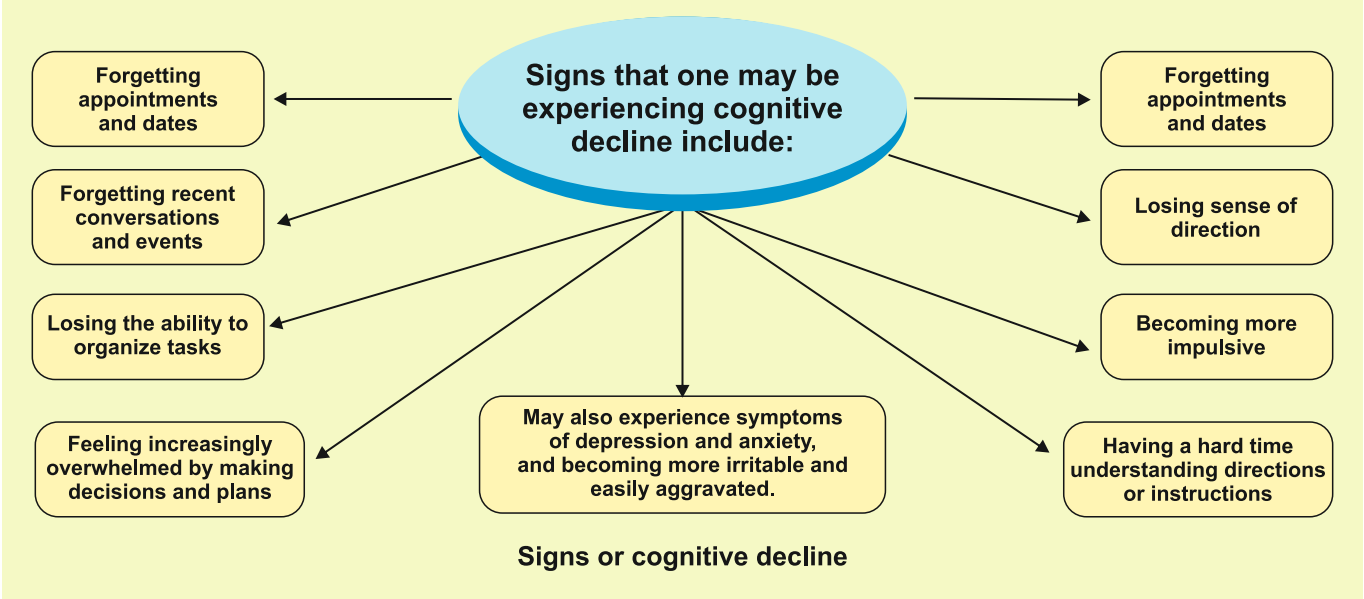
who use just one device occasionally. The ACC is notably responsible for attention, motivation, and cognitive and emotional control functions. Multitasking negatively influences the retention of information over brief periods of time. The working memory (WM) is important for temporarily holding information for reasoning and guidance of decision making. This memory's performance is negatively impacted by the presence of any external stimuli that is different than the focus of our memory goals [4, 5]. Older adults experience a more negative impact by distraction on WM performance compared with younger adults, and an even greater impairment when multitasking [6, 7]. This is because the impact of interference on the memory is further compounded with normal ageing.

Studies also show that 10.9% of adults aged 65 years and above suffer from cognitive decline in India. Among adults aged between 35-60 years, 8.8 % have issues with various cognitive functions. Advancing age is associated with an increased risk of declining cognitive ability or simply cognitive decline. Unfortunately, the number of people suffering from cognitive decline and other brain-related issues is expected to triple by 2040. This will become a major challenge to healthcare systems in the near future.

Cognitive decline means a decrease in the various mental abilities like problem-solving, understanding facts, retaining knowledge (memory), planning, and organizing (executive functions), etc. Such a decline limits an individual's ability to complete basic tasks of independent living (like cooking, home management, and safety) and can also affect mood and emotions. To put it simply, cognitive decline means that the brain doesn't work as well as it used to in the younger years. And increased multitasking over a long time period may result in cognitive decline.

As one ages, it's common to find oneself forgetting. For example, where one has kept the car/house keys or not remembering the names of people known for years. Forgetfulness can be a natural part of aging, but one should not ignore it as it may cause severe impacts or signs of major medical conditions like dementia or Alzheimer's.

The symptoms of cognitive decline may be hard to spot when they don't significantly impact regular social functioning, family life, or work performance. But one can consider the following issues as signs of cognitive decline.



Let us now look into some of the evidence-based activities that keep the brain healthy and slow down or prevent cognitive decline. As there is no effective treatment that can completely cure cognitive decline, it is always better to take preventive measures or follow practices such as regular exercise, healthy Diet, good sleep, social interaction, practice cognitive activities that can keep us away from cognitive decline

A recent study showed that brain training reduces the risk of cognitive decline and dementia. At Cambridge, the brain sciences department conducted a study where it examined the link between cognitive activities and cognition. Results showed that cognitive activities like playing chess, solving puzzles, and sudoku helped in cognitive improvement, and this practice can also decrease the onset of cognitive decline.

It is important to adopt effective measures that increase the brain capacity and cognitive reserve to overcome cognitive decline. In this line, the Brighter minds “ReStart” program uses a practical approach to cope with cognitive decline through brain-training exercises. The program will also help individuals understand and modify lifestyle aspects to protect brain health and enhance cognitive capacity.

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Dr. Praveen Pankajakshan is an Advisor - Research & Data science, Brighter Minds, Bangalore. He has worked as a scientific researcher for more than 17 years. He has

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About Brighter Minds:

Brighter Minds is a unique whole brain wellness program, designed and developed by a team of professionals who bring to the table their learning from diverse fields like neuroscience, public health, child health and development, technology, marketing, media and communications. Unified by a passion for learning and a search for balance in developing the mind, body and spirit, we came together to explore the science behind it and share it with the next generation.

The human brain is an incredible organ with a limitless capacity to learn but age has a way of catching up with it! As we grow older, the cognitive reserve or the brain's ability to learn and retain skills related to memory, conceptual thinking, problem-solving, pattern recognition, visualisation, language, attention, perception and the like may diminish.

Research shows that the key to fighting age-related cognitive decline is good health — of the mind, spirit and body. RESTART addresses each of these aspects of our life to set the foundation for our golden years. Designed for those above the age of 35, RESTART is a 30-day activity-based program for the fitness of the mind for a lifetime of fulfilment. It consists of a scientifically planned exploration of exercise, nutrition, sleep, novelty, challenge, creativity and meditation.



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