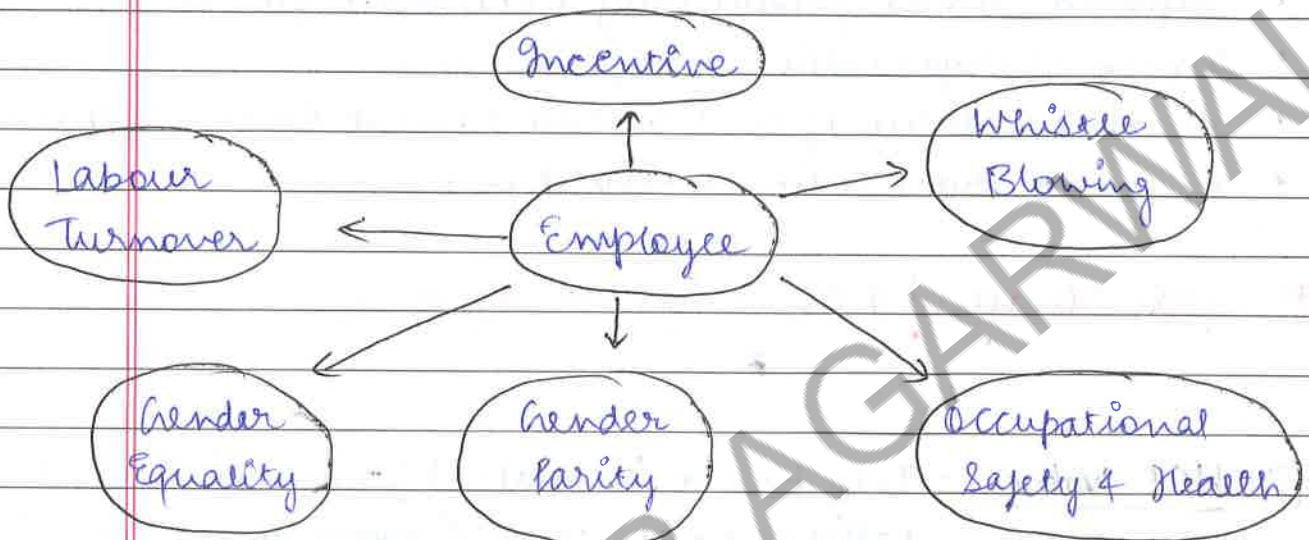


Stakeholder's Rights

S.No.	Particulars	Pg. No.	Remarks
①	Meaning of vigil mechanism ✓		
②	Genesis of whistle blowing ✓		
③	Need for a whistle blowing ✓		
④	Types of whistle blower ✓		
⑤	Legislative framework ✓		
⑥	Whistle blower protection Act ✓		
⑦	Provision in the Co. Act & Rules ✓		
⑧	CAFO, 2020 ✓		
⑨	Provision in SEBI (LODR) Reg <sup>n</sup> . ✓		
⑩	Whistle blower Protection Act, 1999 (USA)		
⑪	Barbans-Oxley Act (USA)		
⑫	False claims Act (USA)		
⑬	UK		
⑭	Canada		
⑮	Australia		
⑯	(NCL, TATA POWER) Ex. of Vigil Mechanism policies of Indian Co.		
⑰	Best Practices in designing & implementing		
⑱	Seven dimensions of WB.		
⑲	Some whistle blower cases in India (cases)		
⑳	Safeguard to Whistle blower (law & comm)		
㉑	Judicial Response (7 cases) ✓		
㉒	WB - Way forward (speech of VP) ✓		
㉓	Health & Safety - Overview		
㉔	Occupational Health & Safety - Meaning		
㉕	Benefits of Implementing Occ. Health & Saf.		
㉖	Union Carbide Corp <sup>n</sup> v/s Union of India		
㉗	L & T Corporate Environment Heal. & Saf. Policy		
㉘	Prevention of Sexual Harassment - Meaning		
㉙	Impact of S.H.		
㉚	Consequences of workplace S.H.		

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#

Overview of the chapter:-Gender Parity:-

- ① Parity means that each gender is represented equally.
- ② Gender parity is a measure of representation.
- ③ You reach parity when each gender is represented equally.
- ④ Dr. Jansi Patel - Gender parity is a pretty basic indicator. She says. It's essentially the ratio of men to women, & the closer that no. is to one, the better the parity. It would be great to see gender parity (1:1) in the boardroom.

Gender Equality:-

- ① It refers how people of different genders are treated.
- ② It aims to achieve broadly equal opportunities.
- ③ It will be achieved when people are able to access & enjoy equal rewards, resources & opportunities regardless of gender.

## # Why Does Work Place Gender Equality Matters:-

- Improved national productivity & economic growth.
- Increased organisational performance.
- Enhanced ability of co.'s to attract talent & retain employees.
- Enhanced organisational reputation.

## # Case Study of HCL - Gender Equality:-

- ① HCL Values:- They believe in making progress in DEI & believes in diversified workforce.   
 *diversity, equity, inclusion*
- ② Fair Opportunity:- They provide its staff with a fair opportunity & treated equally with respect.
- ③ Benefit of fair treatment:- It result in increased creativity, productivity, innovation & better business result.
- ④ Range of diversity:- They employ people from different geographies & nationalities, employees are working from 165 nationalities & women represented 20% of global workforce.
- ⑤ Increase in gender diversity:- Gender diversity increased 2.5% at senior management & overall it has increased by 3.1%.
- ⑥ Inclusion:- They believe in the culture of equality, self-awareness, authenticity, & accountability in the realm of gender, cross cultural diversity, persons with disabilities, & LGBTQ + inclusion.

# Monetary & Non-Monetary Incentive :-

- It stimulate person's action into desired action.
- It have motivational powers.
- It is utilized by individuals & large organisation to motivate employees.

→ Types of Incentives

Monetary

Non-Monetary

- It is financial incentive
- Giving power, status, respect which helps employee to meet social security & psychological needs.

- Any item
- Experiential reward
- Generally measurable

→ Types of Monetary Incentive

Piece Rate

- Prod<sup>n</sup>: industry
- Co. pay a certain amt. for each produced piece
- It motivates to work harder & to produce more piece.
- Quality may be compromised.

Pay Rise

Annual salary increment to loyal workers

Bonuses

Bonuses are paid to meet sales target on completion of project

Sharing of profits

Small portion of profit shared among employees to give sense of belonging & ownership

Contest

To encourage more inputs in terms of positive ideas that improve sales, production or performance

→

Types of Non-Monetary Incentive :-Flexible  
working  
arrangement

↓

- Allowing work from home.
- Allowing employee to choose their working hours.
- Make employee feel their time is valued.
- Work life balance.

Experiential  
Reward

- Knowing the employees passion.
- Encouraging & supporting to follow the passion.

Recognition &  
Praise

- Recognise the staff or employee's who have been working harder.
- Handwritten notes weekly email showing top performer.

Physical Rewards

- Bottle with funny & personal message.
- Golf Club.

Growth opportunities

- Giving resources for career development;
- Training
- Education opportunities.

→ Impact of Monetary & Non-Monetary benefits to employees

### Monetary Incentive

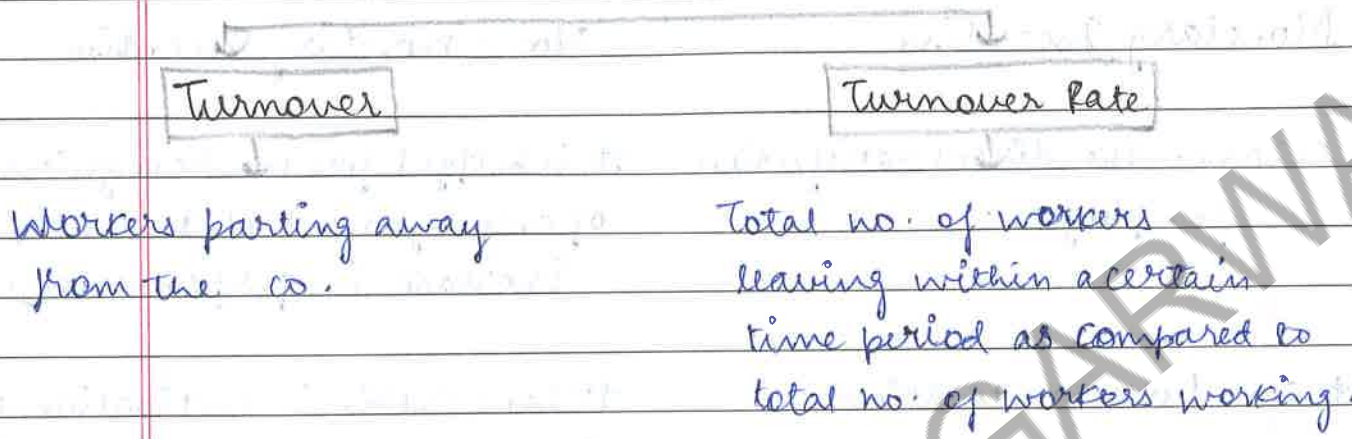
- It enhance the direct satisfaction of employees.
- It can boost motivation
- It has developed to satisfy basic human needs, encouraging & pushing people towards best work performance.
- It is key to improve employees motivation, job satisfaction & better performance

### Non-monetary Incentive

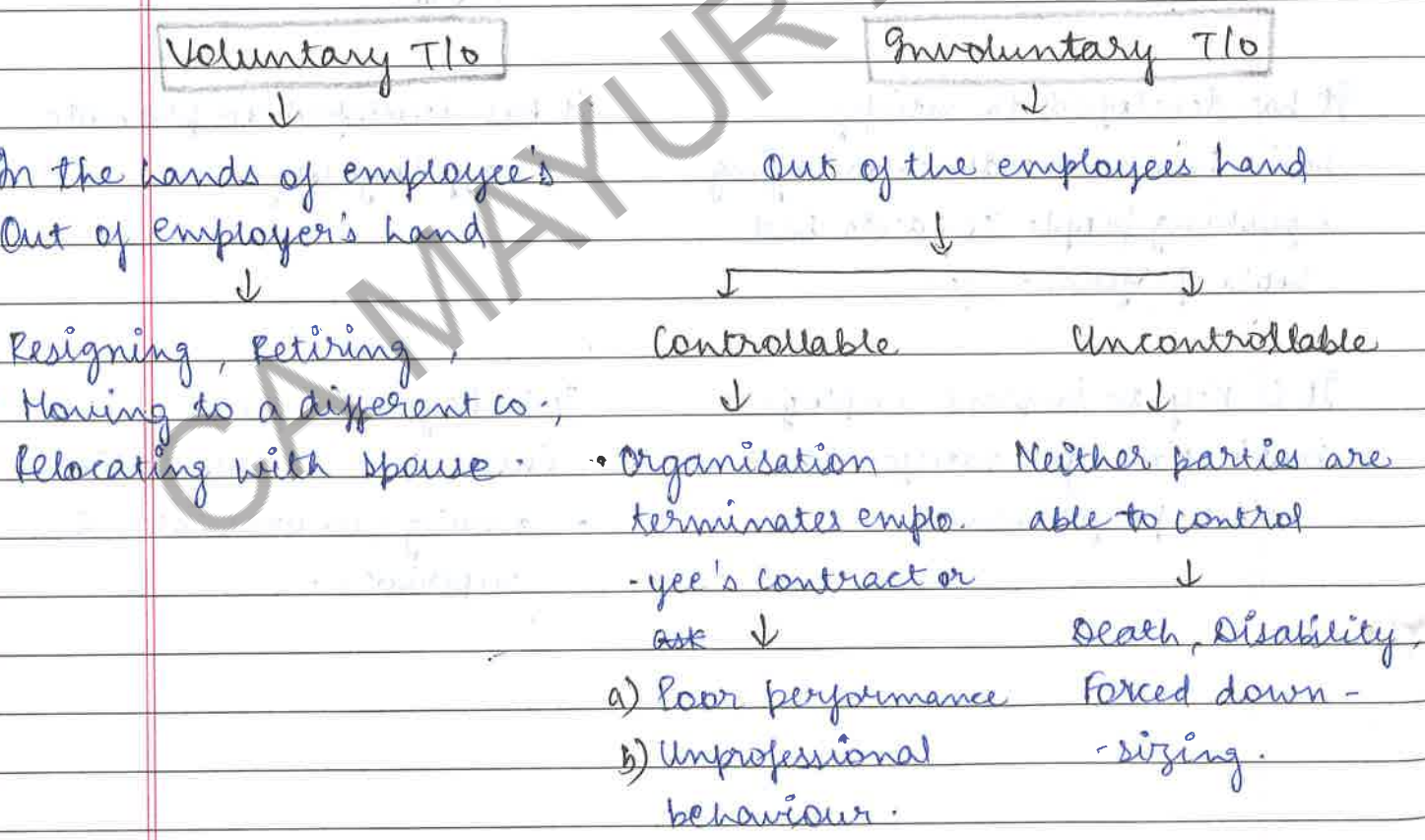
- It is helpful for the recognition of employees which leads to increase in performance.
- It have intrinsic motivational impact on workers, after which they naturally enjoy their work.
- It has developed to promote staff loyalty.
- It is key to improve more interaction & cooperation among subordinates & superiors.

#

Employee Turnover / Attrition Rate :-



→ Types of Labour Turnover



## # Union Carbide Corporation V/S Union of India :-

- ① Promoter of the co. :- American industrial giant Union Carbide incorporated with Union of India.
- ② Name of the co. & shareholding :- Union Carbide India Limited (UCIL) & Union Carbide was a majority shareholder holding a stake of 51%.
- ③ Objective of co. :- The objective of the co. was to manufacture - e chemicals, batteries, pesticides and other industrial products.
- ④ Location of the plant :- Located in a densely populated area of Bhopal, Madhya Pradesh in the year 1970.
- ⑤ Accident date :- 2nd December, 1984.
- ⑥ Accident & its impact :- Highly toxic gas, methyl isocyanate, escaped from UCIL, 2600 people killed, 1000 people injured instantly. Later report → 20,000 people died & 60,000 people irrecovered.
- ⑦ Action by union of India :- UOI enacted Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 for speedy trial of this case & prevent the accused from escaping liability.
- ⑧ Award of Compensation :- District court awarded a sum of 350 million, reduced by HC to 250 million, increased by SC to 470 M.
- ⑨ Remedies after the tragedy :- Environment Protection Act, 1986 & the Public Insurance Liability Act, 1991 were enacted to prevent such catastrophe; Even widened the scope of Article 21 Right to live in Pollution free environment.

## \* Occupational Health & Safety :-

Meaning :- Occupational Health & Safety (OHS) focuses primarily on protecting employees in the workplace from accidents, injuries & exposure to harmful substances.

## \* Benefits of Implementation of Occupational Health & Safety :-

- ① Reduce workplace incidents :- There will be very few unpleasant surprises, if organisation addresses hazards in operation.
- ② Reduce absenteeism & staff turnover :- By managing hazards there is protection to employees, which will reduce absenteeism & labour turnover.
- ③ Increase productivity :- Whenever a worker is impacted, then there is temporary halt of operation.
- ④ Reduce the cost of insurance premium :- If organisation demonstrates greater responsibility of safety & health then it will attract lower insurance premium.
- ⑤ Create a proper health & safety culture :- If occupational safety & health is continuously enhanced & senior management is involved in this, then it will create health & safety culture.

⑥ Enhanced reputation :- If co. adopts modern occupational safety & health then it will gain reputation or recognition internationally.

⑦ Improve the staff morale :- If physical & mental health of employees are maintained, then it will boost energy to work in the co.

### ⊕ Vishakha v/s State of Rajasthan & Ors :-

① Background of incident :- Lower caste social worker for the women's development programme in Rajasthan named Bhanwari Devi was trying to stop child marriage, was gangraped by 5 men of upper class.

② Objective :- Protection of women against sexual harassment at workplace.

③ Journey from trial court to supreme court :- Trial court were acquitted accused for the reason of lack of medical shred of evidence & other reasons, thereafter filed PIL in SC on the issue of sexual harassment at workplace.

④ Supreme court reference to constitution :- SC held that sexual harassment of women at workplace would violate the fundamental rights of gender equality & right to life under A. 14, 15, 19 & 21. The court concluded that such act is considered as violation of fund. rights.

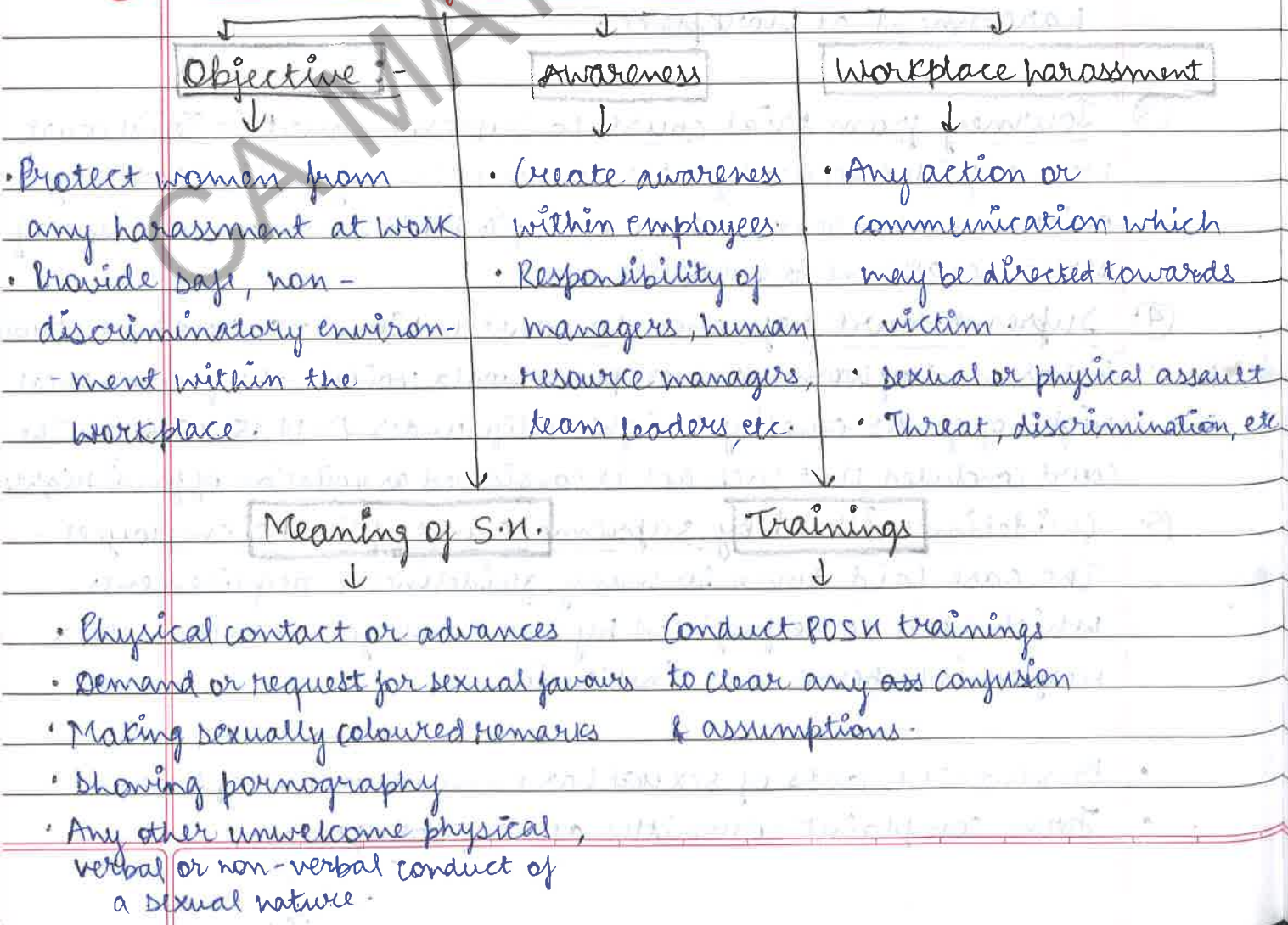
⑤ Guidelines issued by supreme court for the employees :- The case laid down so many guidelines & requirements which need to be fulfilled by the employer as well as other responsible persons or institutions -

- Prevent the acts of sexual harassment at workplace.
- Form complaint committee at all workplaces.

- Committee is headed by women employee only.
- Majority of women members.
- Sexual harassment cases headed by committee only.
- Committee would advise & recommend victim for further course of action.
- Provide def<sup>n</sup>. of sexual harassment.

(16) Initiatives by Indian govt :- This judgement led the Indian govt. to enact the Sexual Harassment of women at workplace (Prevention, Prohibition, & Redressal) Act, 2013 which came into force from 9 Dec. 2013. This act superseded Vishakha Guidelines issued by SC.

(#) Prevention of Sexual Harassment :-



→ Impact Of Sexual Harassment :- (Professional)

- J → Job & Career consequences.
- A → Absenteeism
- R → Retaliation (responding aggressively)
- G → Gossip.
- O → Opportunities for promotion decreases.
- N → Network decreases.

13 O → ~~Relocate~~ Defamation

P → Publicly sexualised.

O → Objectified

O → Ostracized (avoiding)

R → Relocate

→ (Personal)

H Headaches ↑

D Depression ↑

F Fatigue ↑

C Concentration ↓

B Betrayed ↑

A Angry ↑

S Sleeplessness ↓

I Isolation ↑

C Confidence ↓

P Powerless ↓

A Anxiety ↑

I Intimacy ↓

S Stress ↑

E Eating disorders ↓

D Difficulties with time ↓

S Shame, guilt ↑

T Trust loose ↓

## Essay of Sexual Harassment :-

Sexual harassment leads to anxiety in workers and minimizes their morale.

Sexual harassment leads to defaming the the image of such person in the organisation as well as loosing the confidence in facing public.

Sexual harassment leads to changing the mind of worker or such individual to leave the organisation & to join another organisation.

Sexual harassment leads to decreasing of job career opportunity in upcoming future.

Sexual harassment leads to loose the balance of mind by which such individual may attempt to murder or injurious attack.

Sexual harassment leads to loss or gain of body weight by food diet changes.

Sexual harassment may also leads to loosing self confidence in going to public area.

Sexual harassment leads to depression, anger which will hurt the health of such individual.

## ① Meaning of Vigil Mechanism / Whistle Blower Policy :-

① Ahern, McDonald, Kaltharun, Sally. (2002) :-

The concept of whistle blowing essentially means when a particular org<sup>n</sup>. or the co. is given a warning before-hand about any kind of corruption or any illegal activity happening within the org<sup>n</sup>. co.

② Aleem Greenwald :-

The purpose of whistleblowing is to expose secret & wrongful acts by those in power to enable reform.

③ International Labour Org<sup>n</sup>. (ILO) :-

Reporting by employees or former employees of illegal, irregular, dangerous or unethical practices by employees.

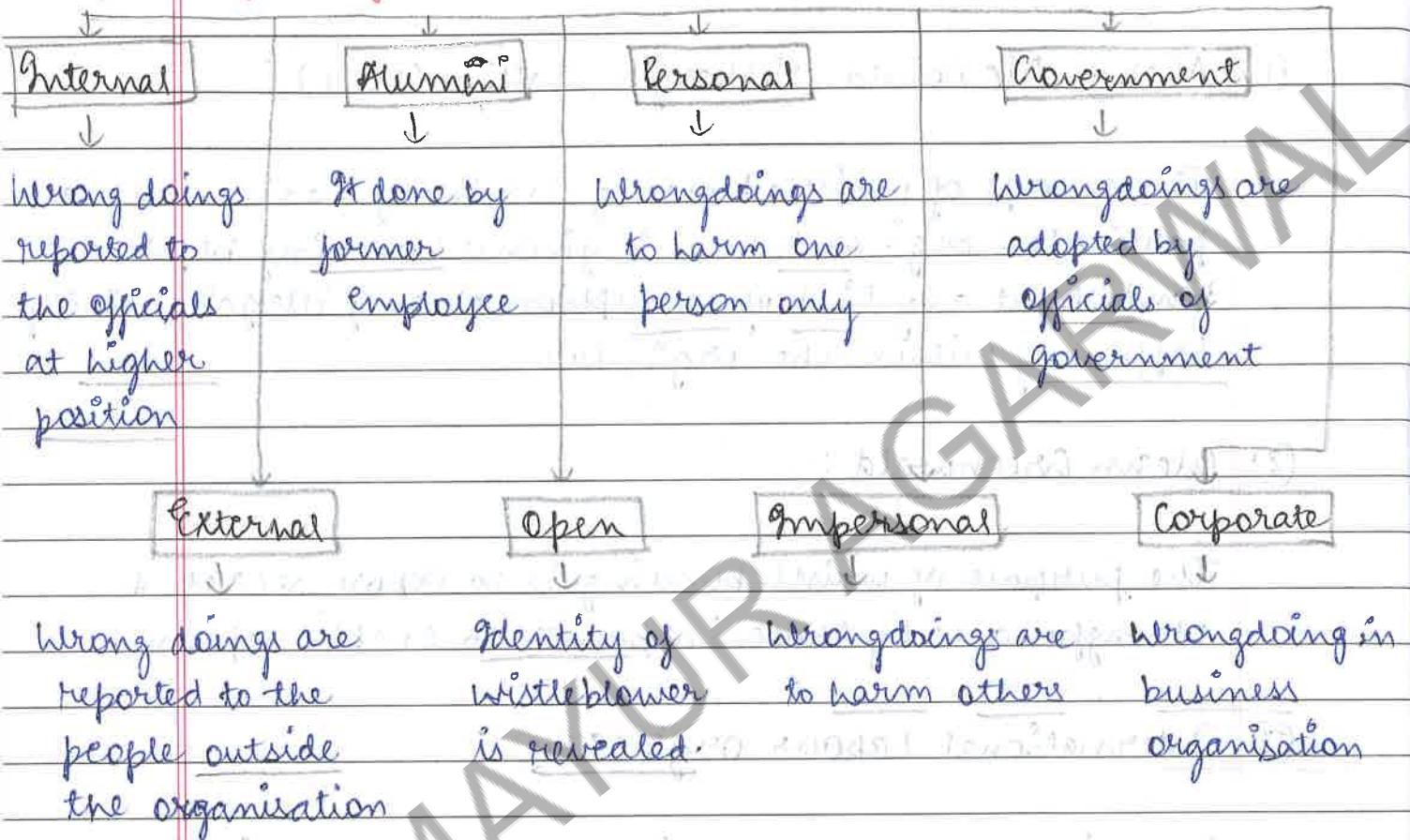
④ Companies Perspective :-

VM can be understood as a mechanism for the directors & employees of the co. to report concerns about unethical behaviour, actual or suspected fraud or violation of the co.'s code of conduct or ethics policy.

### Types of Whistle Blower

Internal

### → Types of Whistle Blower :-



### → Need for a Whistle Blowing Mechanism :-

- ① Promote transparency → It facilitates transparency among employees.
- ② Prevent victimization of WB → Protect anyone who exposes wrong in the organisation.
- ③ Promote open enterprise culture → Employees not only have the confidence in reporting, but are also aware of reporting procedures.
- ④ Reduce corruption → It prevents misuse of power by public authorities.

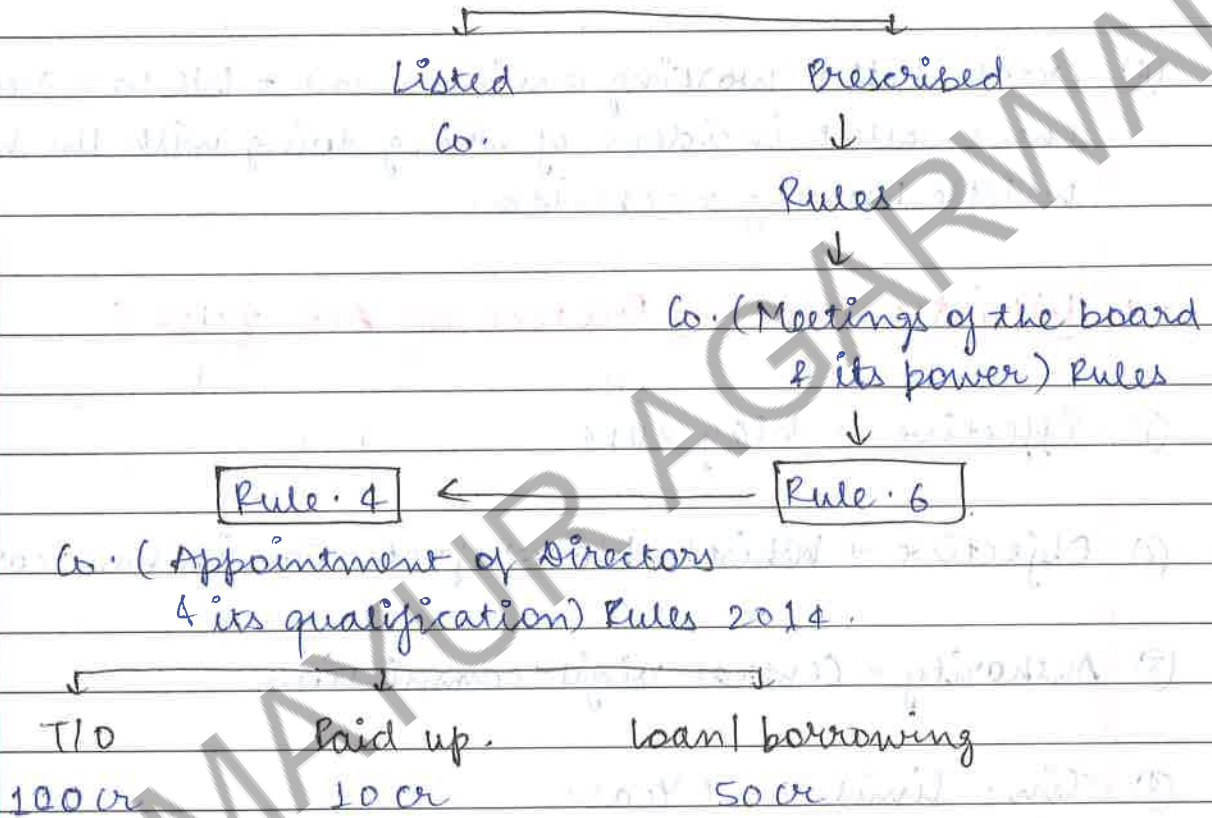
- ⑤ Uphold the rule of law & democracy → It increases & promotes principles of democracy & ensure public participation in governance.
- ⑥ Create better working environment → We can rectify even the smallest incident of wrong doing with the help of whistle blowing mechanism.

→ Whistle Blower Protection Act, 2014 :-

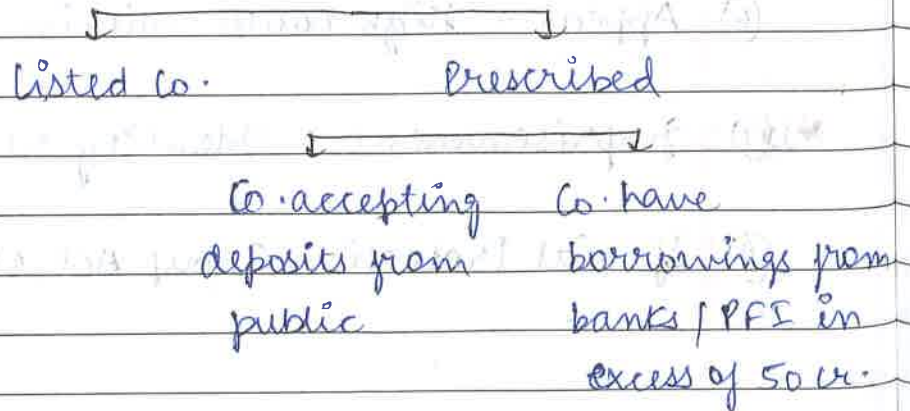
- ① Effective → May, 2014
- ② Objective → Whistle blower protection in non-corporate case
- ③ Authority → Central vigil commission
- ④ Time limit → 7 Years
- ⑤ Anonymous Complaint → Not allowed
- ⑥ Appeal → High Court within 60 days.
- ⑦ Imprisonment → Identity revealed.
- ⑧ Special Protection Group Act, 1988 → Act does not apply to SPG.

→ Provision of whistle blowing as per Co. act & Co. rule

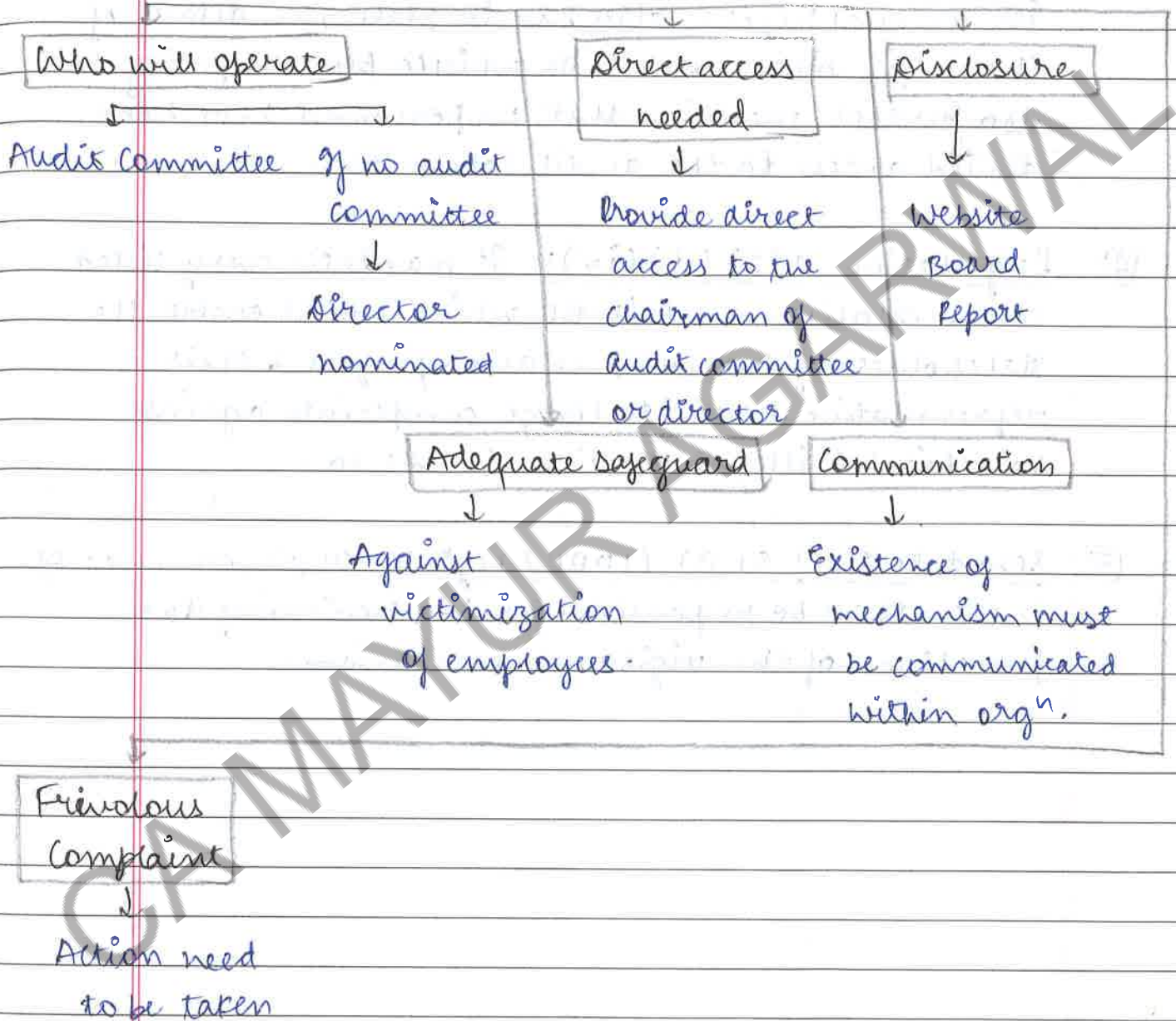
→ Audit Committee - Section 177 (1)



→ Vigil Mechanism - Section 177 (a)



→ Other points for vigil mechanism



→ SEBI (LODR) Regulation, 2015 :-

- ① Regulation. 22 → Establishment of VM in every listed co. for reporting genuine grievances of employees & directors & also provides for protection to them against victimization.
- ② Regulation. 46 → Every listed co. has to disseminate vigil mechanism & its whistle blower policy on a separate section on its website.

## INSPIRE ACADEMY

ESG

- ③ Regulation 34 & 53 :- Co. under the heading CG\* in its annual report also has to state the details of the vigil mechanism & its whistle blower policy & also further mention that no personnel have been denied access to the audit committee.
- ④ Regulation 4(2)(d)(iv) :- It mandates every listed co. to establish a VM/WBP which would enable the stakeholder of the co. such as employees & their representative bodies to lodge complaints against unethical & illegal practices in the co.
- ⑤ Schedule II of SEBI (LODR) Reg<sup>n</sup> :- Audit committee of the co. shall be responsible for the reviewing the functions of the vigilance mechanism.

## ① Satyendra Dubey case (1973-2003)

- ① Name → Satyendra Dubey
- ② Profile →
  - a) Indian Engineering Service (IES)
  - b) Project director of NHAI.
  - c) Responsible for expansion of national highway 2 of Aurangabad - Barachatti section.
- ③ Place → Koderma, Jharkhand.
- ④ Nature of whistle blowing →
  - a) He discovered that L&T had taken contract from Indian govt. & passed it to smaller contract mafias who were incapable of handling such a large scale project.
  - b) He also noticed that proper procedure & quality was not maintained while constructing the roads.
- ⑤ Victimization → On November 27, 2003, He was murdered in Gaya, Bihar.
- ⑥ Name of the co. → Larsen & Turbo
- ⑦ Error → His identity was revealed by PMO officials even after request was made by him to keep his identity secret.

## ① Rinkeu Singh Rahi Case :-

- ① Name → Rinkeu Singh Rahi
- ② Profile → He was provincial civil services (PCS) civil servant.
- ③ Place → Muzzaffarnagar, Uttar Pradesh
- ④ Nature of Whistle blowing → a) Rahi order inquiry into allocation of funds by social welfare department and he found discrepancies.  
b) Out of allocated fund for old age pension scheme, money was taken for 62,447 people but only 47,707 people received it.  
c) No records were present for 55 million rupees distributed to 22,000 OBC students & 110 million rupees distributed to all BPL families.
- ⑤ Victimisation → He was shot six times by local gangsters, damaging his jaw & vision of one eye.
- ⑥ Currently → He is alive and working as a coordinate at Bhimrao Ambedkar coaching centre in his hometown.

### III M Shanmugam Manjunath Case : (1978 - 2005) :-

- ① Name → M Shanmugam Manjunath
- ② Profile → He was manager at Indian oil corporation (IOC)
- ③ Place → Lakhimpur Kheri, Uttar Pradesh
- ④ Nature of Whistle blowing → a) He had sealed two corrupt petrol pumps which was selling adulterated fuel.  
b) When they started operating again he took a surprise raid to check the quality of fuel.
- ⑤ Victimisation → He was shot six times and his body was found dead in the back seat of his car.
- ⑥ Court Order → a) Sessions court found all accused guilty and sentenced them to death.  
b) Allahabad H.C. changed the verdict to life imprisonment of 5 while acquitting the other 2.
- ⑦ Compensation → IOC paid a compensation of 2.6 million INR to manjunath family.

IV Narendra Kumar Case : (1979 - 2012) :-

- ① Name → Narendra Kumar
- ② Profile → He was an Indian Police Service (IPS) officer from 2009 batch, posted as sub-divisional police officer.
- ③ Place → Morena, Madhya Pradesh
- ④ Fact → Morena is famous for fine quality of sand found in Chambal River bed which is used construction of buildings, and illegal mining is rampant in many districts of M.P.
- ⑤ Nature of Whistle Blowing → a) He had been trying to stop illegal quarrying in the area.  
b) on 8<sup>th</sup> March, He received information about illegally quarried stones being carried in a tractor.  
c) He went to check if the information was true or not.
- ⑥ Victimization → He reached the spot & asked the driver to stop but the tractor driver ignored his warning and ran vehicle over him.

⑤ Lalit Mehta Case : (1972 - 2008) :-

① Name → Lalit Mehta

② Profile → He was an engineer turned social activist. He was a Right to Information (R.T.I.) activist who had exposed ongoing scams in National Rural Employment Guarantee Act (NREGA)

③ Place → Palamanu, Jharkhand

④ Nature of Whistle Blowing → a) He was actively involved in activities that sought to advance rural employment, basic health facilities, right to food, and activities that sought child rights.

b) He was working as full time activist of the Right to food Campaign.

c) He was secretary of the Vikas Sahyog Kendra (VSK), a non-governmental organization.

⑤ Victimization Victimization → a) On 14<sup>th</sup> May 2008, he was travelling back to Chatarpur on his bike, when he was attacked and killed.

b) Chatarpur police found his mutilated body and a belt around his neck Kandaghati in Chatarpur on 15/5.

c) He was strangled & his face was smashed to deformed beyond recognition.

d) It was suspected that was murdered by "people who siphoned off NREGS funds".

⑥ Award → National RTI forum started Lalit Mehta RTI Gallantry Award, honouring his contribution in exposing scams.

VI SP Mahantesh Case :-

- ① Name → SP Mahantesh
- ② Profile → He was serving as a Deputy Director of Cooperative Audit.
- ③ Place → Karnataka.
- ④ Nature of Whistleblowing → a) He found that there were several irregularities in land acquisition, layout formation & allotment of sites & it involved many officials & politicians.  
b) He had prepared an audit report of the BEML Employees Cooperative Society, which was accused of making improper land allotments to several influential persons.
- ⑤ Victimization → a) He was attacked thrice prior to final assault.  
b) On evening of 15<sup>th</sup> May, he was driving home in his Maruti 800 when he was stopped by 4 assailants.  
c) Attackers 1<sup>st</sup> dragged him out & beat him with iron rods & punches, when he went unconscious, his body was thrown on sharp stones.  
d) 40 years old, died 5 days later, due to a cardiac arrest.
- ⑥ Error → Whole accident happened at high security zone where chief justice of Karnataka lives, but according to police out of 16 CCTV cameras none was able to record due to heavy rain.

## VII Satish Shetty Case : (1970 - 2010) :-

- ① Name → Satish Shetty
- ② Profile → He was an Indian Social Activist
- ③ Place → Talegaon - Lonavala, Maharashtra
- ④ Nature of Whistleblowing → a) He used RTI to expose irregularities in Govt. offices & construction work  
b) He was throwing light on several major land scams in the Talegaon - Lonavala regions in Maharashtra for Real-Estate developers & retailers.  
c) He also exposed the corruption in the construction of country's first expressway the Mumbai - Pune.
- ⑤ Victimization → In morning 13<sup>th</sup> January he was attacked by 3 to 4 masked man with butcher's knives when he was reading newspaper at a kiosk at around 7 on his way home from a morning walk.

VIII Yashwant Sonawane Case :-

- ① Name → Yashwant Sonawane.
- ② Profile → He was posted as Additional District Collector.
- ③ Place → Malegaon, Maharashtra.
- ④ Nature of Whistleblowing → a) He had rec<sup>d</sup>. info<sup>n</sup>. about oil adulteration carried out at large scale.  
b) While going to Nandgaon he spotted a few trucks parked of big oil co.'s like, IOC, HPCL & BPCL were parked in a very suspicious manner near the road side.
- ⑤ Victimization → a) When he started investigating about the trucks, people indulged in oil adulteration attacked the officer, beat him up and then set him on fire.  
b) He was declared dead on arrival at the hospital.

(IX) D.K. Ravi Case: (1979 - 2015) :-

- ① Name → Daddakoppalu Karayappa Ravi
- ② Profile → He was an Indian Administrative Service officer & He was posted as Deputy Commissioner & was known as pro-people administrator. Later transferred to Bangalore, as Additional Commissioner of Commercial Taxes
- ③ Place → Kolar - Gulbarga, Karnataka.  
Later, Koramangala, Bangalore.
- ④ Nature of Whistleblowing → a) He started crack down of illegal sand mining & encroachment of govt. lands in Kolar & Gulbarga.  
b) Later, He prepared a list of many tax defaulters & set a target of 1000 crores to collect from tax defaulters  
c) During 2 weeks of his working he collected 130 cr. from tax defaulters & came into lime light of many politicians goons.
- ⑤ Victimization → a) He rec<sup>d</sup>. many threat calls from tax defaulters & sand mafias.  
b) On 16<sup>th</sup> March 2015, he was found dead with his body hanging on ceiling fan in his residence.
- ⑥ Investigation → a) The initial police investigation, forensic & medical evidence showed it a case of suicide.  
b) Then protest erupted in cities, where he worked by opposition parties for handing over the inquiry to CBI  
c) On 13<sup>th</sup> April 2015, The Centre ordered a CBI probe into the mysterious death & case is still going on.

⊗ V. Saseendran Case :-

① Name → V. Saseendran

② Profile → He was the Company Secretary of Malabar Cements Limited, a PSU.

③ Place → Kerala Palakkad, Kerala

④ Nature of Whistleblowing → a) He was prime witness in audit reports stating that the co. reg<sup>d</sup>. a loss of ₹ 400 crores because of rampant corrup<sup>n</sup>.  
b) Later, he was forced to withdraw his allegation.  
c) But, In Sept. 2010, He wrote to the CM of Kerala, Industries Minister & Vigilance Director informing them about rampant corruption in the loss making co. d) He alleged MD's secretary leaking co.'s vital info<sup>n</sup>.

⑤ Victimization →

a) He had been found hanging in his house in Palakkad with his 2 sons, aged 8 and 11, on 24<sup>th</sup> Feb. 2011.

→ Example of Vigil Mechanism Policies of Indian Companies

① HCL Limited :-

① Scope of whistleblower policy → It is not only for the internal stakeholder but also for the external stakeholders such as third party vendors, internal & external auditors.

② Type of complaint → Violation of companies of code of business ethics.

b) Breach of any of the companies policies -

c) Insider Trading.

③ Authority → Ethics committee there is a provision for ombuds person which will investigate the complaint

④ Direct Access → Complainant have direct access to chairman of audit committee -

⑤ Mode of Complaint → a) Must be in writing -

b) Can be sent electronically or post.

## (II) TATA POWER LTD.

- ① Scope → Employee, director or any other stakeholder of the co. such as customers, vendor, suppliers etc. can make protected disclosures.
- ② Type of Complaint → Violation of the TATA Code of Conduct.
- ③ Authority to complaint → Chief Ethics Counsellor or to the Audit Committee.
- ④ Investigation → The co. will carry out an internal investigation under the supervision of the chairperson of the audit committee & identity of whistle blower will be kept confidential.
- ⑤ Disciplinary Action → Post investigation & after hearing the subject, i.e. against whom the complaint has been made, the management of the co. will recommend appropriate action to the audit committee for its consideration & approval.
- ⑥ Frivolous Complaint → In case of frivolous Protected disclosures, the policy states that Audit committee may take appropriate action against the whistle-blower.



## Best Practices in Designing & Implementing Effective Whistle Blowing:-

- ① Gaining Top level commitment
- ② Developing a whistle blowing policy
- ③ Designing reporting mechanism
- ④ Embedding the programme
- ⑤ Reporting monitoring & evaluation.

## Judicial Response :-

① Maneka Sanjay Gandhi v/s Rani Jethmalani →

- a) There was a need for pleasant atmosphere for the conduct of trial.
- b) Protection of witness is important.

② Narshi Mirajkar v/s State of Maharashtra

The identity of the witness can be kept secret & conceal by holding an in camera trial.

③ Gurbachan Singh v/s State of Bombay

- SC denied permission to cross examine the witnesses who has deposed against him.
- Reason - witness have the fear of violence, also unwilling to depose publicly against bad character.

④ A. K. Roy v/s Union of India

- There is a need to protect the identity of the informant.
- If there is a disclosure of identity, then no one will be willing to come forward & give information.

⑤ Kartar Singh v/s State of Punjab

- SC upheld the validity of sec. 16(2) & (3) of Terrorist & Disruptive Activities (Protection) Act, 1987 (TADA)
- The provision provided discretion to the designated court to keep the identity & addresses of witness in its orders.
- The court held that the right of accused to cross examine the prosecution witness's was not absolute but was subject to exception.

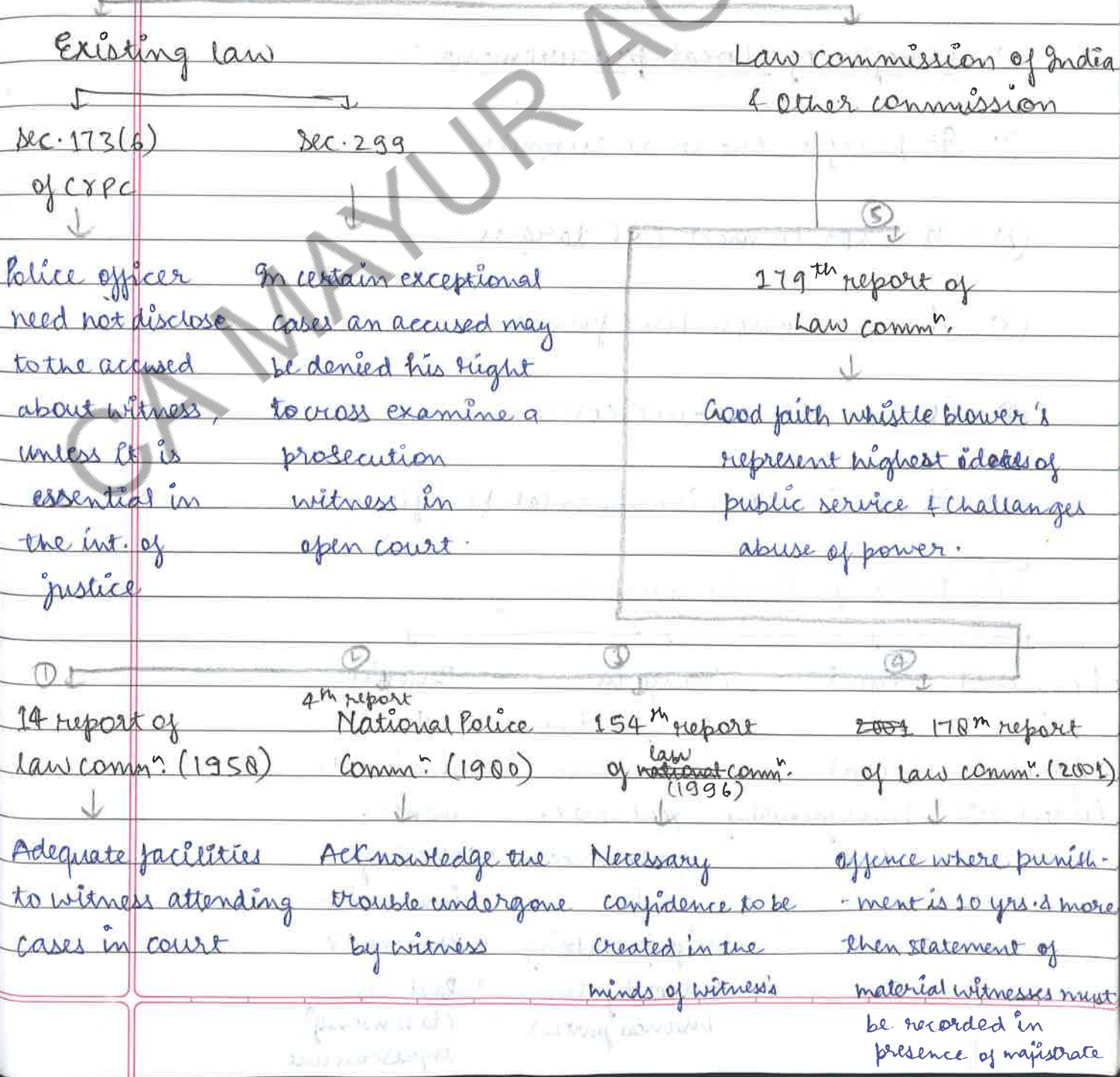
⑥ State of Maharashtra v/s Dr. Praful B. Desai

- Evidence can be both oral, documentary & electronic record.
- This would include video conferencing. If evidence is recorded by video conferencing that evidence would be assumed to be recorded in the presence of accused & would be compliance of sec. 278, CrPc.
- Recording of such evidence would be as per the procedures established by law.
- Video conferencing will help the witness's for rendering the complete justice, even if there is old age, huge expenses, fear, distance, etc.

⑦ Shakshi v/s Union of India

SC referred to the 172 report of the law commission & laid down that certain procedural safeguards had to be followed to protect the victim of child sexual abuse during the conduct of the trial.

→ Safeguards to Whistle Blower :-





Local Procurement

Local Procurement → purchase of goods & services from local businesses;

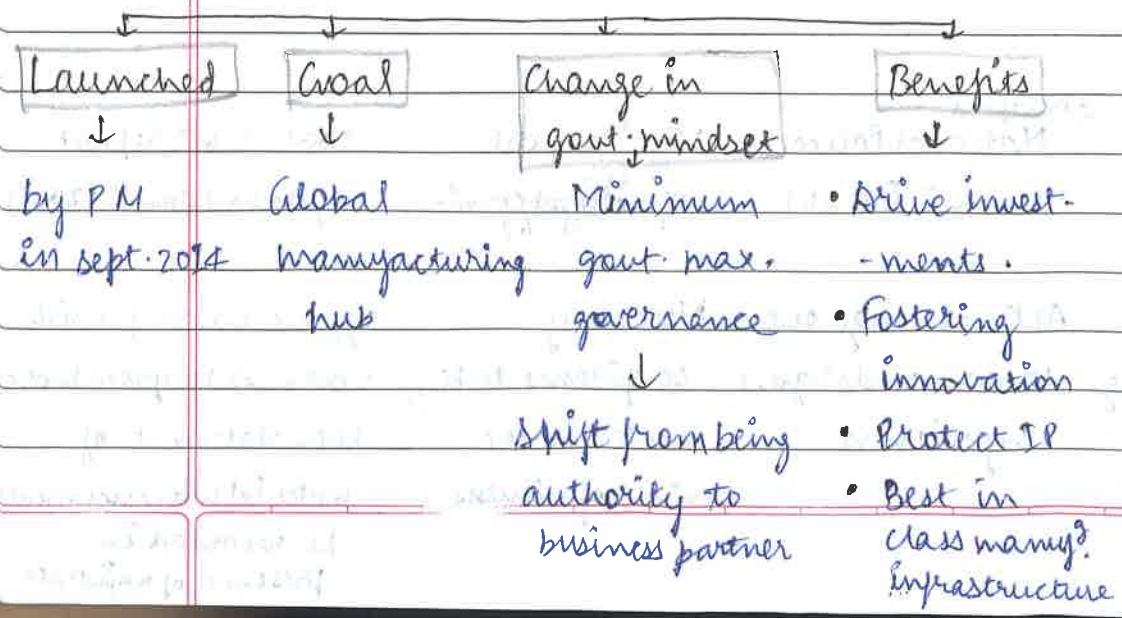
↓  
Small & medium enterprises (SMEs)

↓  
They need training upto the standard on various areas. (Operational, Safety, Environmental, Technical)

→ Benefits of Local procurement :-

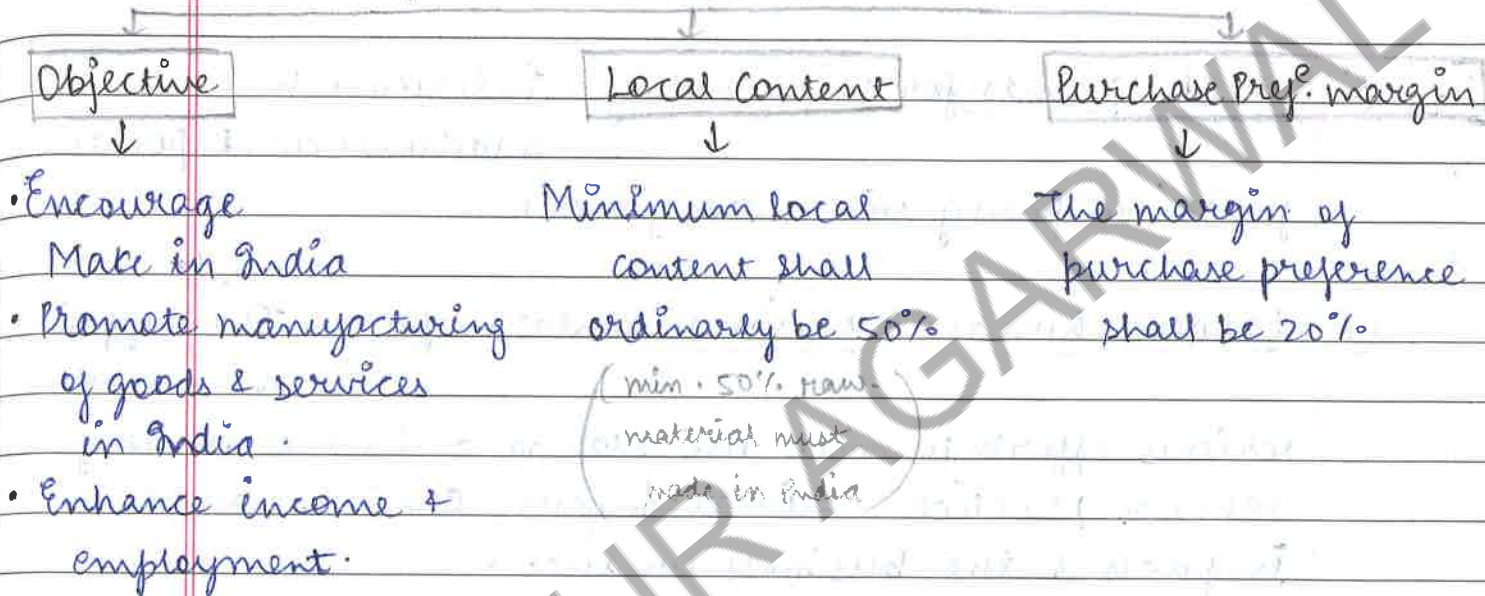
- ① It benefits the local suppliers.
- ② It helps to meet CSR targets.
- ③ It can shorten time frames.
- ④ It can help reduce costs.
- ⑤ It provides environmental benefits.

→ Make in India Initiative



## → Make in India & Purchase preferences :-

Public procurement (Preference to Make in India) Order 2017

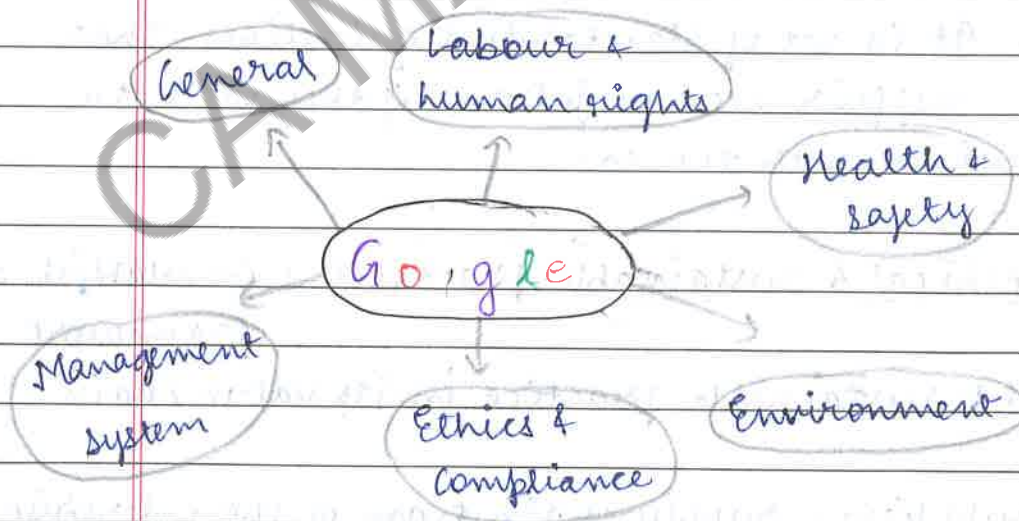


## ⊕ Supplier Code of conduct :-

- ① Meaning → It is set of standards & guidelines that supplier need to follow, if they wish to conduct business with the co.
- ② Frame of ethical & sustainable practices → Co. establish a framework for ethical & sustainable practice in its value chain
- ③ Audit of suppliers → Supply chain team of the enterprise conduct regular audit of suppliers.
- ④ Certification of compliance → Many global co.'s mandates that supplier possess proper certification of compliance.

- ⑤ Termination of relation → Non-compliance with the code may result in termination of the supplier relationship.
- ⑥ Check-points for third party → Enterprise has set additional check points for third party risk management.
- ⑦ Labour, human & environmental impact → The supplier must make serious efforts to meet the standards in the areas of labour practices, human rights, environmental impacts & the business conduct.

→ Case study → GOOGLE :-



I

Health & Safety

Occupational safety & Health

Emergency preparedness

Sanitation, Food & Housing

- Prevent, manage, track and report occupational injury & illness.
- Encourage worker reporting & recording ~~cases~~ cases.
- Medical treatment
- Investigating cases
- Corrective action
- Facilitating workers to return to work

- Plan potential emergencies
- Implement emergency plan
- Eg :- Exit facilities  
Fire detection.

- Access to clean toilet facilities.
- Potable water.
- Eating facilities.
- Residential facilities
- Clean & safe.
- Adequate personal space.
- Heat & ventilation
- Hot water for showering.

II

Environment

Permits & Reporting

Reports efficiency & clean energy

Hazardous & restricted substance

Waste management

- Obtain all req<sup>d</sup>. permits & approval
- Follow reporting requirements.

- Reduce consump<sup>n</sup>. of resources, including raw material, energy and water.
- Minimum green house gases emission.

- Identify & manage chem-icals & other materials.
- Ensure safe handling, use, storage & disposal

- Reduce or eliminate waste of all types.
- Comply with the applicable laws & regulation.

III

Labour & Human Rights

- ① Freely Chosen employment & combating modern slavery →
  - a) Not use forced, bonded or indentured labour.
  - b) Work must be voluntary.
  - c) Worker's must be free to terminate their employment any time.
  - d) Not hold the various doc. longer than necessary required.
  - e) Not require to pay requirement or other fees.
  - f) Not restrict workers freedom to move in & out of the working facility.
  - g) Written agreement.
- ② Young workers & students intern →
  - a) No child labour.
  - b) Workers under 18 years old, will not perform work against health & safety.
  - c) Properly managed apprenticeship program
  - d) Pay the same rate as other workers are offered.
- ③ Wages →
  - a) Pay legally mandated wages & benefits.
  - b) Comply law regarding wage deduction.
- ④ Working Hours →
  - a) Not to exceed 60 hours / week including over-time.
  - b) Atleast 1 day off in every 7 days.
- ⑤ Freedom of association & collective bargaining →
  - a) Freedom of association & collective bargaining.
  - b) Permit to associate freely, bargaining collectively.

and seek representation.

c) Permit the workers to openly communicate & share the grievances to with management

⑥ Fair treatment, non-discrimination, diversity & inclusion

a) No harassment, abuse or in human treatment

b) Not subject to unlawful medical test & physical exams.

c) No discrimination in hiring program.

d) Improve culture of diversity & inclusion.

④

Management system

① Comply with all applicable laws and regulation

② Risk Management

③ Continuous improvement & corrective action.

④ Commitment & confirm to responsibilities.

⑤

General

Underlying  
Obligation

On-site  
work

Certification

Information  
disclosure

Cooperation

Comply with applicable laws regulation, directive & guidelines

Comply with applicable policy & requirement

Request additional certification which will create good faith

Disclose information on labour, health & safety, etc

Cooperate with any information request or audits.

VI

Ethics & Compliance

- ① Business integrity → a) Avoid conflict of interest.  
b) Disclose any personal relationship with employees who have influence over their engagement with us.
- ② Intellectual property → a) Supplier will respect intellectual property rights.  
b) Will conduct transfer of technology & know how in protecting manner.
- ③ Responsible material sourcing → a) Supplier will maintain policy assuring that any tantalum, tin, tungsten & gold in product they manufacture do not benefit <sup>armed</sup> group that commit human right abuses.  
b) Suppliers will exercise, & will make available to us upon request, due diligence on the source & chain of custody of these minerals.
- ④ Privacy & information security → Suppliers will protect the privacy of personal information of everyone with whom they do business, including suppliers, customers, consumers & workers.
- ⑤ Accessibility → Suppliers will embed relevant web accessibility standards, innovation, & best practices to deliver inclusive products & services for our users & stakeholders.

#

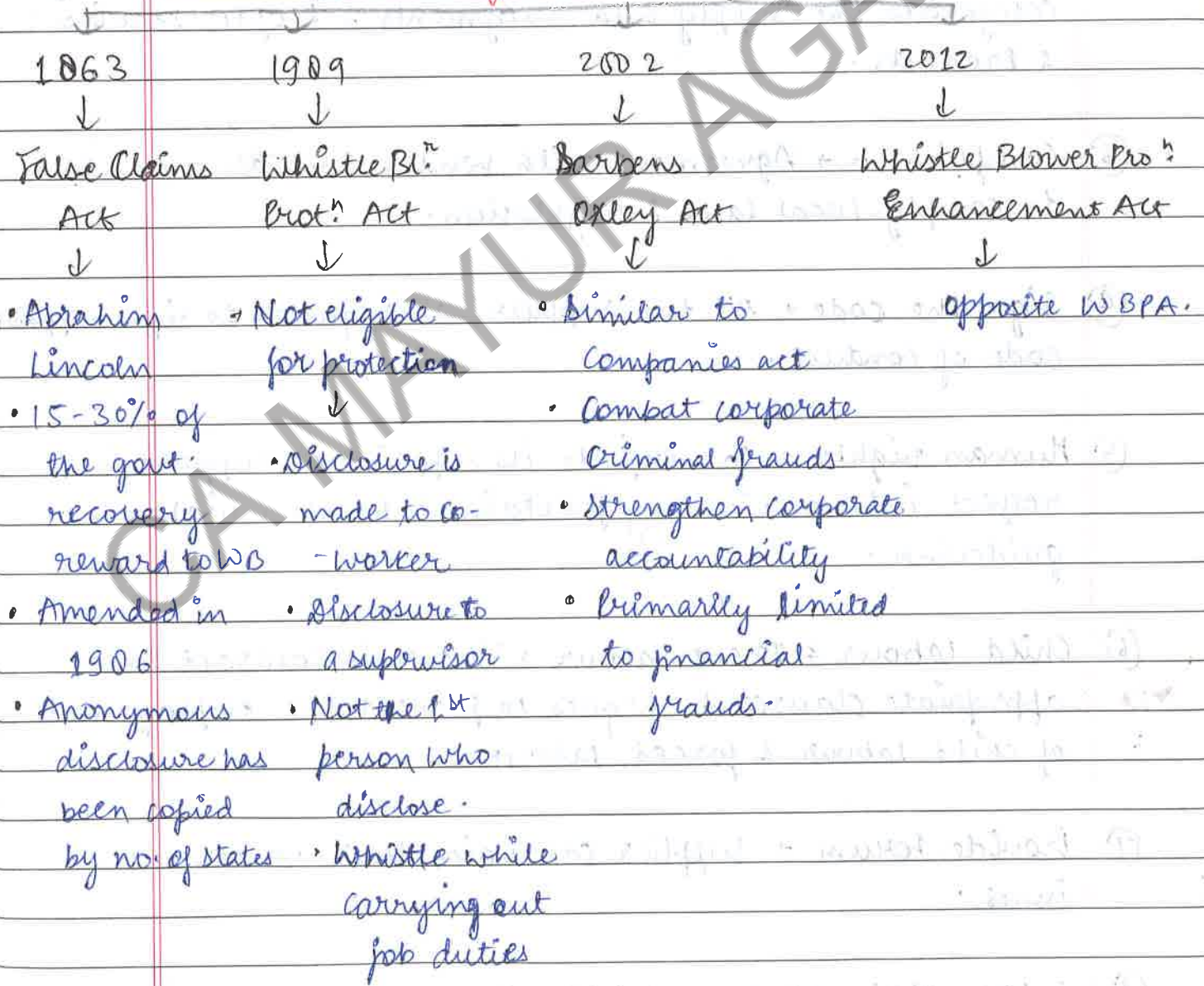
INFOSYS - Supply Chain Governance :-

- ① Supplier to be signatory to UNGC → UNGC (United Nations Global Compact) principles cover human rights, labour, environment, & anti-corruption as foundation principle.
- ② Supply chain policy → Responsible supply chain policy categorises the supply into 3 segments - People, Services, & Products.
- ③ Compliance → Agreement with vendors includes a mandate to comply local laws & regulation.
- ④ Sign the code → All the supplier are required to sign supplier code of conduct.
- ⑤ Human rights → Co. expects its supplier to support & respect internationally proclaimed human rights guidelines.
- ⑥ Child labour & forced labour → The co.'s contract have appropriate clauses & cheques to prevent the employment of child labour & forced labour.
- ⑦ Provide Forum → Supplier can voice their concerns & issues.
- ⑧ Supply chain assessment → The Co. have responsible assessment done through external independent partner.

⑨ ESG Performance → We aim to cover top 100 suppliers to baseline their ESG performance.

⑩ Assessment parameters → Governance, ethics, compliance, fair business practices, labour practices, human rights, health & safety, environment.

→ Whistle Blowing laws in US :-



→ Whistle Blowing laws in other countries :-

UK (1990)

Public Interest  
Disclosure Act



Employment  
Right Act,  
1996  
(Repealed)



Applicable in  
England, Wales  
& Scotland



- Right not to be subjected to detriment.
- Criteria → WB must use prescribed channel.

Canada (2007)

Public Servant  
Disclosure Protection Act



- Protect federal public service from re from reporting the ~~WR~~ wrongdoings.

Australia  
Corporation  
Act



- Protection to officers, employees, contractors & their employees.
- Protection against retaliation.
- Privileges against defamation.

L&T Corporate Environment, Health & Safety Policy

- ① Objective of EHS Policy → a) Commitment to health & safety.  
b) Mission ZERO HARM.
- ② EHS Council → Monitor & measure compliances with Corporate procedures.
- ③ Awarding contract to contractor → Audited on safety standards before awarding the contract.
- ④ Audit of Implementation → EHS Council audit each independent on implementation of procedure.
- ⑤ AI → AI is being used for identification & prevention of unsafe acts & conditions.
- ⑥ Behavioural Based Safety Program (BBS) → Develop culture of safety.
- ⑦ Supplier Code of Conduct → It covers EHS & human rights parameter.
- ⑧ ISO 45001:2018 (OHS Management System) → L&T vision, philosophy, EHS policy, management system have been implemented in accordance with ISO: 45001:2018.
- ⑨ Safety Ambassador → Ambassador communicates good health & safety practices to workers.