

V&M ASSOCIATES ADVOCATES & SOLICITORS

January - 2015

Newsletter

Volume: 01 [Issue: 09]

About us:

V & M Associates is a full-fledged law firm established in the year 2003 at Chennai by a team of qualified practicing Advocates. The team has been practicing in different portfolios like Employment and Industrial Laws, Civil laws, Criminal laws, Intellectual Property Act, and from inception we have been representing clients of different backgrounds and advise them in diverse, complex and high profile matters. We cater to all clients from small scale industries to multinational companies during these years. Our support is to provide complete Legal Assistance, Advisory Services, Opinions, Court Representations and Arbitrations to Corporate Organizations. Our expertise includes complete Statutory Compliance Audit for corporate and submission of Management Information Report with Compliance percentage and guiding the corporate for continuous improvement. Our services are of highest quality legal work executed in an efficient and cost effective manner.

In this Issue:

- News
- Amendments & Notifications
- Case Laws
- Annual Returns Check-List
- Statutory Compliance Check-List

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NEED OF MORE BUSINESS DRIVEN INSHIGHTS FOR HUMAN RESOURCES DEPARTMENT:.....

There are multiple predictions around the globe by the Fortune Tellers on Wealth, Health and more on personal Priorities for the year 2015.....as our tradition goes, we at **V & M Associates** make the

PREDICTITIONS FOR HR FOR THE YEAR 2015 with remedial measures

As we have been witnessing the sea changes in the operative behavior of startup firms, Revolutions in the Retail Segment, Leveraging IT for Manufacturing, Litigations between Large Corporate Houses, Takeover Threats, Increasing Power of Brands, Decreasing margins, Redefinition of Business terms, Evaluation of New Standards, Debt Obesity of the company, Financial & Budgetary concerns, Emerging Empowered Media Houses, Grounded Aviations and the most recent trend of Unionization in I T Industry....what not.... It is easy for any one logically to predict the more challenging days are ahead with newer dimensions of complexity to all corporate houses.

You be the Custodian of Resource Behavior and facilitator of Performing Managers as H R should be first one to check the predictions for the year 2015.

The year is shaping up as a Big Year for the world and a very Big year for India Inc it could be the impact of several investment proposal materialization or the lower price of crude oil making a vibrant Global Inc reactions.

- 1. Top Level Changes There are expected to be more changes at the top for want of redefining sustainability of corporate houses and the changing culture of Promoters towards full empowerment to "jointly empowered". There may be cross border Talent Transfer cultivation, be it New Planning Commission of our Government or the Largest Drug Maker of the Country the Sun Pharma. As we at H R understand the change at the TOP can react in the Bottom. So the remedial measures are ...more focusing on REC ...Retention, Engagement and Culture...
- 2. H R Technology...... It is not Tech Facilitated H R or Tech H R it is H R Tech...need of complete review on the automation, Information System, H R I S, Outsourced support, H R Frame work, and the Cultural Operating System. It is essential for H R to bring all new innovative and absolute D D HR Data Driven HR, new solutions and number driven decision making support to the Board
- **3. Redesign J D/ JR......**The classical frame work of Job Analysis, Job Family, Job Descriptions, Job Specifications, Job Enlargement, Job Enrichment, Job Rotation, Job Deliverables Job Evaluation etc had facilitated enough for us to learn and crate unbeatable standardization now it is a time

for us to understand more on the WORTH OF OUR BUSINESS and evolve Neo Classical Frame work on Job Factors.. Addressing **Positional Privileges & Accountabilities – PP A** making the Job Holder more enthusiastic to address the cross functional complex issues on day to day business transactions.

- 4. Performance as matter of Dignity ... Performance had been a seasonal festival for all to speak with a single sheet of coded entries and multiple differences with the bosses on ratings. Though it is respected as Divine in the eco system still we are looking as one of the Reward Rating Tool and wait for the day to come for making some personal decisions if the same differ our expectations. We as H R ran multiple programme as Performance orientation, Performance culture, and made attempt to create High Performing Organizations and Performance driven Pay now it is time for us to relate the self-esteem and performance and Promote strongly the P D... Performance Dignity
- 5. H R as Business Equity.... May be it is the popularly addressed Cipla's Drug Pirate fights in the Patent Courts or the Street corner veg restaurant's mess of non-compliance of some provisions. It is the time for H R to add Professional Equity to the Team Members in crating Standards, Certifications, Self Evolution models, Customer Audits and more aggressively working with Professional Advisory firms to get the endorsement and seal of Quality of Resources and System Q R S

The predictions are illustrative not exhaustive since the Astro schools deals with limitations of 120 years of live as maximum , where as a Corporate Entity we expect to live beyond therefore, we leave the rest of predication for the years to come to our fellow professionals and their seniors, Bosses, and their successors with a note of special wishes for all your resolutions to come true and with an usual assurance that V & M ASSOCIATES STANDS SUSTAINABLY SUPPORTIVE AT ALL TIMES may be the "Stars Shower or their Power Test".

The consulting companies are tend to watch the "Clock & Bill" or the Advisory Firms, they "Bill & Clock" their sheet ... but being honest to you we V & M Associates are neither a consulting nor a advisory firm and continue to remain as your **On Call Business Associates** And assure better services beyond the predictions and ensure real value for money.

AS OUR CULTURAL BELIEF GOES THAT THERE ARE GOING TO BE NEW DIMENTIONS
OF NEW WAY ..FROM THE TAMIL MONTH OF THAI...BY THE GRACE OF ALMIGHTY

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BILL TO AMEND APPRENTICES ACT PASSED BY RAJYA SABHA

A bill seeking to remove imprisonment as punishment for violating the provisions of the Apprentices Act, 1961, and allowing employers to fix the hours of work and leave as per their discretion or policy was passed by the Rajya Sabha on 26.11.2014.

The Apprentices (Amendment) Bill, 2014 was passed by a voice vote, with a majority of speakers favouring the legislation, saying it was aimed at enhancing the skills of youth and making them employable.

THE APPRENTICES (AMENDMENT) ACT, 2014 (Act No.29 of 2014)

The Government of India, Ministry of Labour and Employment, New Delhi, proposed the above amendments act. The Amendments have been passed by the Parliament and received assent of the President

The above Amendment Act published in the Gazette of India, Extraordinary, Part II Section 1 dated 8th December 2014, is enclosed for your information.

This amendment shall come into force with effect from 22nd December 2014 a copy of the notification is enclosed for your information.

NEW LABOUR LAW TO FREE SMALL FACTORIES FROM GIVING SEPARATE RETURNS

Amid the tussle between the government and opposition parties, Parliament, on 28.11.2014, approved a labour law that redefines small factories and frees small companies from furnishing separate labour returns.

This Law will lead to four benefits,

- 1. Lower harassment of small establishments in the hands of labour authorities.
- 2. Boost manufacturing.
- 3. Provide impetus to skill development as small business.
- 4. Convert unskilled workers to skilled ones and ultimately create more employment due to ease in the process of doing business.

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Approval comes two days after Parliament approved amendments to the Apprentices Act, 1961, and sets the ball rolling on labour reforms to case the process of doing Business in India.

The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishment) Amendment Bill, 2014 was approved by Lok Sabha on 28.11.2014. On 25th November, Rajya Sabha has approved the draft law after a discussion on black money.

With this, a company employing between 10 and 40 workers will be called a small establishment. Earlier, a small establishment was one with 10-19 employees. It will also allow them to furnish just one return rather than file separate labour returns, a move that Prime Minister Narendra Modi has spoken during a function of the labour Ministry on 16^{th} October.

EDLI EXEMPTION PROPOSAL – INSISTING FOR MINIMUM PREMIUM OF 0.5% OF WAGES IN SCHEMES OFFERED IN LIEU OF EDLI – CLARIFICATION – REGARDING

Enclosed herewith copy of the Employees' Provident Fund Organisation letter no: EDLI/6/1/2014 dated 24.12.2014, have advised their Officers not to insist for Payment of Minimum Premium of 0.5% of wages from the employer while processing their EDLI exemptions. This is for your information.

THE PAYMENT OF BONUS (AMENDMENT) RULES 2014. (ANNUAL RETURNS)

Enclosed herewith the copy of the notification No. G.S.R. 784(E) published in the Government of India Gazette, Extraordinary Part II Section 2 Sub 1, dated 10th November 2014, for your information.

Rule 5 shall be substituted (Annual Returns). Under the amended rules every employer shall on or before the 1st day of February each year upload annual returns in the Form-D on the web portal of the Ministry a Labour and Employment giving information as to the particulars specified in respect of the preceding year. Provided that the annual returns shall be filed within the time specified in section 19 of the Act.

Form – D is now been replaced by Uniform Annual Return Form and the amended form is also enclosed.

INTRODUCTION OF DECLARATION FORM (FORM NO. 11 [NEW]) TO REPLACE EXISTING FORM NO. 11 (REVISED)

The Central Provident Fund Commissioner under para 36(7) read alongwith provisions pf paras 34 and 57of EPF scheme 1952 and para 24 of Employees' Pension Scheme, 1995, has ordered the replacement of erstwhile Form No.11 (Revised) with the Declaration Form (Form No.11[New]) placed at Annexure – I.

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The Declaration Form [Form No.11 (New)] will also replace Form No.13 in all such cases where existing member of the Provident Fund makes a request for transfer of his fund availing the facility of UAN.

The Members, who have been allotted UAN and where KYC details have been digitally verified by the previous employer, are not required to fill separate Form No - 13. Rest of the employees will continue to fill Form-13 along with New Form NO.11.

Enclosed herewith a copy of the order No. 2011/30992 dated 02nd January 2015 issued by the EPFO, New Delhi, for your information.

NOTIFICATION UNDER THE INDUSTRIAL DISPUTES ACT – PUBLIC UTILITY SERVICES

- 1 Declaration of Industrial Units whose entire production is exported and Industrial Units established in the Special Economic Zones as public utility services for certain period under the Act.
 - [G.O. (Rt) No.283, Labour and employment (D2), 14th October 2014]
- 2 Declaration of Industries Manufacture of Boiler Auxiliaries for High Pressure Boilers as public services for certain period under the Act.
 - [G.O. (Rt.) No. 284, Labour and Employment (D2), 14th October 2014].
- 3 Declaration of Newsprint Paper Manufacturing Industry as public service for certain period under the Act.
 - [G.O. (Rt.) No.287, Labour and Employment (D2), 14th October 2014]
- 4 Declaration of Industries Manufacturing Steam Generation Equipments like high Pressure Boilers, Valves and Fittings, Pressure Vessels and Package Boilers as Public service for certain period under the Act.
 - [G.O. (Rt) No. 288, Labour and Employment (D2), 14th October 2014]

DRAFT AMENDMENT TO THE CONTRACT LABOUR (REGULATION AND ABOLITION) CENTRAL AMENDMENT RULES, 2014

I enclosed the copy of the draft notification No. G.S.R. 892(E) dated 12th December 2014, published in the Government of India Gazette, Extraordinary, Part ii section (3) sub sec (1) dated 13th December 2014. The notification issued by the Ministry of Labour and Employment, New Delhi, Proposing an amendment to the rule 82.

The Unified Annual Return, which will be effective from 1st February 2015, and the unified return to be uploaded/submitted accordingly for the year 2014.

I shall be grateful if you will go through the draft amendment and let me have the reviews, if any by 22.01.2015 in order to enable us to consolidate and forward with our comments.

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EPF APPELLATE TRIBUNAL FOR SOUTHERN STATES AT BENGALURU

The Government of India, Ministry of Labour & Employment has constituted another EPF Appellate Tribunal which will be functioning from Bengaluru for Southern States viz.., Karnataka, Tamilnadu, Kerala, Andhra Pradesh, Telungana. Goa and Union Territories of Andaman & Nicobar Islands and Puducherry.

The copy of the Notification S.O. 2838(E) dated 7.11.2014, published in Gazette of India extraordinary of Part ii Section 3 – Sub Section (ii) dated 7th November 2014 is enclosed for the information of the Members.

The Employees' Provident Funds Appellate Tribunal shall sit in Bengaluru. The name of the Presiding Officer and the address of the Appellate Tribunal will be informed as soon as the same is notified.





Amendments & Notifications

रजिस्टी सं॰ डी॰ एल॰-33004/99

REGD. NO. D. L.-33004/99



असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i) प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

₹i. 669] No. 669] नई दिल्ली, शनिवार, दिसम्बर 13, 2014 / अग्रहायण 22, 1936

NEW DELHI, SATURDAY, DECEMBER 13, 2014/AGRAHAYANA 22, 1936

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, 12th December, 2014

G.S.R. 892(E).—The following draft of certain rules further to amend the Contract Labour (Regulation and Abolition) Central Rules, 1971, which the Central Government proposes to make in exercise of the powers conferred by sub-section (2) of section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), is hereby published, as required by sub-section (1) of Section 35 of the said Act, for information of all persons likely to be affected thereby, and notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the Official Gazette in which this notification is published, are made available to the public;

Objections or suggestions, if any, may be addressed to Shri Subhash Kumar, Under Secretary, Ministry of Labour and Employment, Government of India, Shram Shakti Bhawan, Rafi Marg, New Delhi-

The objections or suggestions, which may be received from any person with respect of the said draft rules before the expiry of the period so specified, shall be considered by the Central Government.

DRAFT RULES

- Short title and commencement.—(1) These rules may be called the Contract Labour (Regulation and Abolition) Central (Amendment) Rules, 2014.
 - (2) They shall come into force on the date of their final publication in the Official Gazette.
- In the Contract Labour (Regulation and Abolition) Rules, 1971 (hereinafter referred to as the principal rules) for rule 82, the following rule shall be substituted, namely:—
 - "82. (1) Every contractor shall upload a Unified Annual Return in the Form XXIV specified in these rules, on the web portal of the Ministry of Labour and Employment on or before the 1st day of February following the close of the year to which it relates.
 - (2) Every principal employer of a registered establishment shall upload a Unified Annual Return on or before the 1st day of February following the end of the year to which it relates.

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- (3) The principal employer or contractor shall also file a Unified Annual Return to the concerned authorities manually on or before the 1st day of February following the close of the year to which it relates.
- (4) In case, if, the employer maintain registers or records or reports in electronic form, such registers or records or reports shall also be taken into consideration by the inspector for the purpose of examination of any register or record required to be kept under the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970) and the rules made thereunder and require the production thereof for inspection."
- 3. In the principal rules, form XIV and form XV shall be omitted.

The Employees' State Insurance Act, 1948.

Regulation, 1957 or Regulation 3 of MMR 1961.

Notice of opening under Regulation 3 of Coal Mines

The Mines Act, 1952.

4. In the principal rules, after Form XXIII, the following form shall be inserted, namely:-

UNIFIED ANNUAL RETURN FORM-'XXIV'

Contract Labour (Regulation and Abolition) (Central) Rules 1971

[See rule 82(1) and (2)]

	100000000000000000000000000000000000000		
S. NO.	A. General part:		
Particu	lars:		
(a) Nat	ne of the establishment		
	dress of the establishment. House No/ eet/Plot No Town District State		
(b)	Name of the employer		
Str	dress of the employer House No	ate Pin C	lode
(c)	Name of the manager or person responsible for supervision and dress House No/Flat No	Street/Plot	ablishment No
E-1	nail ID Mo	obile Number	
	B Employer's Registration/ License number under the Acts me	entioned in colu	mn (2) of the table
S. No (1)	Name (2)	Registration (3)	(Registration No.)
. 1	The Building and Other Construction Workers (RE&CS) Act,	sette de Total and	
2	Contract Labour (R&A) Act, 1970.	Ballar	
3	The Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979.	al to	
4	The Employees Provident Funds and Miscellaneous Provisions Act, 1952.		

भाग II-खण	₹ 3(i)]			भारत का	राजपत्र : असा	धारण			
7 T	he Factorie	s Act, 19	948.			_			
8 T	he Motor T	ransport	Workers	Act, 1961.			1		
9 T	he Shops &	Establi	shments.	Act (State Ac	A),				
10 A	ny other L	aw for th	ne time be	ing in force.					
NO. C	Details of 1	Principa	l Employ	yer, Contrac	tor and Cor	ntract La	bour:		
1. N	lame of the	principa	al employ	er in the case	of a contrac	tor's esta	ablishmen	t.	
2. D	ate of com	mencem	ent of the	establishme	nt.				
3. N	lumber of (Contracto	ors engag	ed in the esta	iblishment di				
4. T	otal numbe	r of day	s during t	he year on w	hich Contrac	t Labour	was emp	loyed.	
5. T	otal numbe	er of man	n-days wo	rked by Con	tract Labour	during th	he year.		
6. N	lame of the	Manage	er Agent (In case of n	nines).				
7. A	ddagon II	new Ale	-	/Flat	No		Stree	t/Plot No.	
1. A	Ladress He	ouseivo.	Patricular	/rat	State		Di	n Code	
1	OWB		District_		State	-		n con-	
i i	M. No		7	Telephone N	vumber			11	
S. No. D	Working l	nours ar	id week o	lay:					
1.	Number o	f working	ig days di	uring the year	r.				
2.	Number o	f manda	ys worke	d during the	year.				
3.	Daily hou								
4.	Weekly da								
				ons employe	ed in any day	during	the year.		
Sl. No.	Males	Femal		Adolescents the age of 1 years.)	(between	Childre		105	Total
S. No. F	Wage rate	s (Cate	gory Wis	e:)				-	
Category	Rates of				Numbe	er of wor	kers		
	Wages			Regular				Contract	
		Male	Female	Children	Adolescent	Male	Female	Children	Adolescent
Diable		Water	I ciliaic	WHEN WH					1
Highly									
Skilled	-	-		-		-	-		
Skilled						-			
Semi-									
skilled			-						

Unskilled

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		ME III				
S. No. G (a	a) Details of Pa	ayments:-				
Gross wage	es paid	T	Deductions		Net wages	paid
In cash	In kind	Fines	Deductions for damage or loss	Others	In cash	In kin
(b) Numb	er of workers	who were gr	ranted leave with wages du	ring the year.	1	
SI. No.	During	g the year	Number of workers	Granted lea	ave with wage	s
S No H I	Details of varie	one welfore a	menities provided under the	ne statutory sch	emes	
			nenities provided	Statutory (spec)
			DECLARATION			
			on are true and correct, and de to my establishment.	also I certify tha	I have compl	lied with
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742 12.11.14 TAMIL NADU GOVERNMENT GAZETTE

[Part II-Sec. 2

NOTIFICATIONS BY GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENT

Notifications under the Industrial Disputes Act.

Declaration of Industrial Units whose entire production is exported and Industrial Units established in the Special Economic Zones as public utility services for certain period under the Act.

[G.O. (Rt.) No. 283, Labour and Employment (D2), 14th October 2014.]

No.11(2)/LE/672/2014.—WHEREAS, the Governor of Tamil Nadu is satisfied that public interest requires that the Industrial Units whose entire production is exported and the Industrial Units established in the Special Economic Zones should be declared to be public utility services for the purposes of the Industrial Disputes Act, 1947 (Central Act XIV of 1947);

Now, THEREFORE, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the said Act, the Governor of Tamil Nadu hereby declares the Industrial Units whose entire production is exported and the Industrial Units established in the Special Economic Zones to be public utility services for the purposes of the said Act, for a period of six months with effect on and from the date of publication of this Notification in the Tamil Nedu Government Gozette.

Declaration of Industries Manufacture of Boiler Auxiliaries for High Pressure Boilers as public service for certain period under the Act.

[G.O. (Rt.) No. 284, Labour and Employment (D2), 14th October 2014.]

No.II(2)/LE/673/2014.—WHEREAS, the Governor of Tamil Nadu is satisfied that public interest requires that the Industrial Manufacture of Boiler Auxiliaries for High Pressure Boilers should be declared to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (Central Act XIV of 1947):

Now, THEREFORE, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the said Act, the Governor of Tamil Nadu hereby declares the Industries Manufacture of Boiler Auxiliaries for High Pressure Boilers to be a public utility service for the purposes of the said Act, for a period of six months with effect on and from the date of publication of this Notification in the Tamil Nadu Government Gazette.

Declaration of Newsprint Paper Manufacturing Industry as public service for certain period under the Act.

[G.O. (Rt.) No. 287, Labour and Employment (D2), 14th October 2014.

No.II(2)/LE/674/2014.—WHEREAS the Governor of Tamil Nadu is satisfied that public interest requires that the Newsprint Paper Manufacturing Industry should be declared to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (Central Act XIV of 1947);

Now, THEREFORE, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the said Act,

the Governor of Tamil Nadu hereby declares the Newsprint Paper Manufacturing Industry to be a public utility service for the purposes of the said Act, for a period of six months with effect on and from the date of publication of this Notification in the Tamil Nadu Government Gazette.

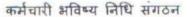
"Declaration of Industries Manufacturing Steam Generation Equipments like high Pressure Boilers, Valves and Fittings, Pressure Vessels and Package Boilers as public service for certain period under the Act.

[G.O. (Rt.) No. 288, Labour and Employment (D2), 14th October 2014.]

No.II(2)/LE/675/2014.—WHEREAS, the Governor of Tamil Nadu is satisfied that public interest requires that the "Industries Manufacturing Steam Generation Equipments like high pressure Boilers, Valves and Fittings, Pressure Vessels and Package Boilers" should be declared to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (Central Act XIV of 1947);

Now, THEREFORE, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the said Act, the Governor of Tamil Nadu hereby declares that the "Industries Manufacturing Steam Generation Equipments like high Pressure Boilers, Valves and Fittings, Pressure Vessels and Package Boilers" to be a public utility service for the purposes of the said Act, for a period of six months with effect on and from the date of publication of this Notification in the Tamil Nadu Government Gazette.

M. VEERA SHANMUGA MONI, Secretary to Government.



Employees' Provident Fund Organisation (श्रम एवं रोजगार मंत्रालय, भारत सरकार) (Ministry of Labour & Employment, Govl. Of Indio) मृख्यालय / Head Office

अविष्य निधि अवन, 14 श्रीकाएजी कामा प्लेस, नई दिल्ली - 110066. Bhovishyo Nidni Bhowan, 14-Bhikaiji Como Ploce, New Delhi 110066 www.epfindia.nic.in

No: Manual/Amendment/2011 30992

Date: 02.01. 2015

ORDER

In the matter of Introduction of Declaration Form [Form No. 11 (New)] to replace existing Form No. 11 (Revised)

- 1. Employees' Provident Fund Organisation has now embarked upon its next phase of e-governance reforms with a view to make its services available to its stakeholders in an efficient, transparent and reliable manner and at low costs. EPFO has been implementing allotment of Universal Account Numbers (UAN) to its subscribers. The Online Transfer Claim Portal (OTCP) has also been made functional.
- 2. In exercise of powers conferred under para 36(7) of the Employees' Provident Funds Scheme, 1952, read with paras 34 and 57 of Employees' Provident Funds Scheme, 1952 and para 24 of Employees' Pension Scheme, 1995, the introduction of Declaration Form [Form No. 11 (New)] in place of existing Form No. 11 (Revised) is ordered with immediate effect.
- The Declaration Form [Form No. 11 (New)] will also replace Form No. 13 in all such
 cases where existing member of the Provident Fund makes a request for transfer of his fund
 availing the facility of UAN.

Encl: Declaration Form [Form No. 11 (New)] (K.K. Jalan)
Central Provident Fund Commissioner





(To be retained by the Employer for future reference)

Employees' Provident Fund Organization

THE EMPLOYEES' PROVIDENT FUNDS SCHEME, 1952 (PARAGRAPH-34 & 57)

THE EMPLOYEES' PENSION SCHEME, 1995 (PARAGRAPH-24)

DECLARATION BY A PERSON TAKING UP EMPLOYMENT IN AN ESTABLISHMENT ON WHICH EMPLOYEES' PROVIDENT FUND SCHEME,

1952 AND/OR EMPLOYEES' PENSION SCHEME, 1995 IS APPLICABLE.

(PLEASE GO THROUGH THE INSTRUCTIONS)

	NAME (TITLE)						
	Mr. Ms. Mrs.						
	(PLEASE TICK)						
2)	DATE OF BIRTH	D D N	1 M Y	YY	Y		
3)	FATHER'S/ HUSBAND'S NAME		ĦМ				
	HUSBAND'S NAME						Ш
							Щ
4)	RELATIONSHIP IN RESPECT OF	(3) ABOVE FAT	THER	HUSBAND	N		
	(PLEASE TICK)		7	7			
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V.58	MOBILE NUMBER (IF ANY)						
V.58	MOBILE NUMBER (IF ANY) EMAIL ID (IF ANY)	R OF THE EMPLOYEES'	PROVIDENT FUI	ND SCHEME, 1	952?		
7)	MOBILE NUMBER (IF ANY) EMAIL ID (IF ANY) WHETHER EARLIER A MEMBER	R OF THE EMPLOYEES' (PLEASE TICK)	PROVIDENT FUI		952?		
7)	MOBILE NUMBER (IF ANY) EMAIL ID (IF ANY) WHETHER EARLIER A MEMBER	(PLEASE TICK)	YE	S	222		
7)	MOBILE NUMBER (IF ANY) EMAIL ID (IF ANY) WHETHER EARLIER A MEMBER WHETHER EARLIER A MEMBER	(PLEASE TICK)	YE	S ME, 1995?	222		

If response to any or both of (8) & (9) above is yes, then <u>mandatorily</u> fill up the previous employment details at (10,11&12):

Page 1 of 3

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) THE DETAILS OF THE U	MENT DETAILS		RED (IIAN)	OR DREVIO	IS PF MEN	IRED ID:			
UAN	THIVENSAL ACCO	OIT HOM	LK (OAII)	OKPREVIO	0011116	IDEN ID.			
OR PREVIOUS PF MEM	DED ID	REGION	Cons	FFICE CODE	Ferre	ISHMENT ID	Everyon	ACCOUNT NU	111050
PREVIOUS PT MEM	BER ID	REGION	CODE	FFICE CODE	ESTABL	ISHMENI ID	EXTENSION	ACCOUNT NO	IMBEK
			1 04	14	V V	, I V I	V]	I	
 Date of Exit for PR Member ID (DD/MN) D	М	М	Y	Y	Y		
(A) IF SCHEME CERT	TIFICATE ISSUED	FOR PREV	OUS EMPLO	OYMENT, TH	EN SCHEMI	E CERTIFICATE	NUMBER:		
(B) IF PENSION PAY	MENT ORDER (PI	O) ISSUE	D FOR PREV	TOUS EMPLO	DYMENT, T	HEN PPO NUM	MBER:		
3. OTHER DETAILS									
3) INTERNATIONAL WOR	RKER)	/ES		No				
(PLEASE TICK)	:sL		\overline{A}		_				
IF THE REPLY TO (13) ABOVE IS	YES, THE	N ENTER T	HE DETAILS	IN 13(A), 13(B) &	13(c):		
13(A) COUNTRY OF INDIA			N INDIA (I	F YES, PLEAS	SE SE				
				E COUNTRY)					
				=					
13(B) PASSPORT NU	JMBER			-					
13(c) PASSPORT VA	LID FROM	D	D M	MY	Y	YY			
			47		7				
	То	D	D M	MY	Y	YY			
		D	D M	10 0	1	1 1			
14) EDUCATIONAL	ILLITERATE	Non- Matri	IVIA	RIC	SENIOR CONDARY	GRADUATE	Post Graduate	Doctor	TECHNICAL/ PROFESSIONA
QUALIFICATION									
QUALIFICATION (PLEASE TICK)			A .						1
							<u> </u>		1
(PLEASE TICK)	Married	Un	IMARRIED	WIDOW	// WIDOW	ER DIVOR	CCEE		
(PLEASE TICK) 15) MARITAL STATUS (PLEASE TICK)	MARRIED	Un No	IMARRIED	WIDOW		ER DIVOR			
(PLEASE TICK) 15) MARITAL STATUS			IMARRIED				e Category	EARING	

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-				
17)		10	D-	
	KI		1 11-	IAII

KYC DOCUMENT TYPE	NAME AS ON KYC DOCUMENT	NUMBER	REMARKS, IF ANY
BANK ACCOUNT-1*			IFSC CODE*
NPR/AADHAAR			
PERMANENT ACCOUNT NUMBER (PAN)			
PASSPORT			EXPIRY DATE
DRIVING LICENCE			EXPIRY DATE
ELECTION CARD			
RATION CARD			
ESIC CARD			

^{*} Mandatory Field (<u>Note</u>: Bank Account NUMBER (along with IFSC code) is mandatory. You are however advised to provide all KYC documents available with you in addition to mandatory KYCs to avail better services. Self-Attested photocopies of the documents must be attached with this form.

C. UNDERTAKING:

- A. I CERTIFY THAT ALL THE INFORMATION GIVEN ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
- B. IN CASE, EARLIER A MEMBER OF EPF SCHEME, 1952 AND/OR EPS, 1995,
 - (I) I HAVE ENSURED THE CORRECTNESS OF MY UAN/ PREVIOUS PF MEMBER ID.
 - (II) THIS MAY ALSO BE TREATED AS MY REQUEST FOR TRANSFER OF FUNDS AND SERVICE DETAILS IF APPLICABLE FROM THE PREVIOUS ACCOUNT AS DECLARED ABOVE TO THE PRESENT P.F. ACCOUNT. (THE TRANSFER WOULD BE POSSIBLE ONLY IF THE IDENTIFIED KYC DETAILS APPROVED BY PREVIOUS EMPLOYER HAS BEEN VERIFIED BY PRESENT EMPLOYER USING HIS DIGITAL SIGNATURE CERTIFICATE).
 - (III) I AM AWARE THAT I CAN SUBMIT MY NOMINATION FORM THROUGH UAN BASED MEMBER PORTAL.

DATE: PLACE:	SIGNATURE OF MEMBER
	DECLARATION BY PRESENT EMPLOYER
Α.	THE MEMBER Mr./Ms./Mrs HAS JOINED ON AND HAS BEEN ALLOTTED PF MEMBER ID
В.	IN CASE THE PERSON WAS EARLIER NOT A MEMBER OF EPF SCHEME, 1952 AND EPS, 1995:
	(POST ALLOTMENT OF UAN) THE UAN ALLOTTED FOR THE MEMBER IS
	PLEASE TICK THE APPROPRIATE OPTION:
	THE KYC DETAILS OF THE ABOVE MEMBER IN THE UAN DATABASE
	HAVE NOT BEEN UPLOADED
	HAVE BEEN UPLOADED BUT NOT APPROVED
	☐ HAVE BEEN UPLOADED AND APPROVED WITH DSC
C.	IN CASE THE PERSON WAS EARLIER A MEMBER OF EPF SCHEME, 1952 AND EPS, 1995:
	. The above member id of the member as mentioned in (A) above has been tagged with his/her UAN/Previous
	MEMBER ID AS DECLARED BY MEMBER.
	PLEASE TICK THE APPROPRIATE OPTION:-
	☐ THE KYC DETAILS OF THE ABOVE MEMBER IN THE UAN DATABASE HAVE BEEN APPROVED WITH DIGITAL
	SIGNATURE CERTIFICATE AND TRANSFER REQUEST HAS BEEN GENERATED ON PORTAL.
	AS THE DSC OF ESTABLISHMENT ARE NOT REGISTERED WITH EPFO, THE MEMBER HAS BEEN INFORMED TO FILE PHYSICAL CLAIM (FORM-13) FOR TRANSFER OF FUNDS FROM HIS PREVIOUS ESTABLISHMENT.

Page 3 of 3

DATE:

SIGNATURE OF EMPLOYER WITH SEAL OF ESTABLISHMENT

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Instructions for filling up Declaration Form

- a. Form to be filled in the language of the form.
- b. Each box, wherever provided, should contain only one character (alphabet /number /punctuation sign) leaving a blank box after each word.
- c. The item-wise instructions to fill up the form are as follow:
 - Please tick the Title (Mr/Ms/Mrs) and write full name in the form in Item No 1. It is reiterated that each box should contain only one character leaving a blank box after each word. It may please be noted that the Title (Mr/Ms/Mrs) should not be entered again in the boxes provided to write full name.
 - Please provide Date of Birth in the form (DD/MM/YYYY) in Item No 2.
 - Please provide Father's / Husband's Name in full in the form in Item No 3. It may please
 be noted that the Title (Mr/Sh.) should not be entered again in the boxes provided to
 write full name.
 - Please tick the relevant box in item no 4 based on Item no 3. Tell the relationship i.e.
 Father or Husband.
 - 5. Please Tick the relevant Box in Item No 5.
 - Please provide your mobile number on which formal communication can be established and necessary information can be provided through S.M.S to the member in Item No 6.
 - Please provide e-mail id on which formal communication can be established and necessary information can be provided through e-mails to the member in Item No 7.
 - 81 Please tick 'YES' if you have previous membership of the Employees' Provident Fund Scheme, 1952 otherwise 'NO' in Item No 8, which is a mandatory field.
 - Please tick 'YES' if you have previous membership of the Employees' Pension Scheme,
 1995 otherwise 'NO' in Item No 9, which is a mandatory field.
 - If you have ticked 'YES' in any or both of (8) & (9) above, please follow points 10, 11, & 12 to fill up the previous employment details at Item Numbers 10,11 &12, otherwise follow 13 onwards. This is very important and should be entered with utmost care as a number of services including tagging of various member IDs with UAN and its portability are dependent on these details.
 - 10. Please fill Universal Account Number (UAN) Or Previous employment P.F. member ID in Item No (10).
 - UAN is 12 digit number which has been allotted by EPFO and provided to the EPF
 member through employer. To check whether you have been allotted UAN against

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your PF member ID, please go to the UAN Member e-sewa on EPFO website www.epfindia.gov.in and click on Know your UAN status.

Previous employment P.F. member ID is to be furnished in the boxes as:

REGION CODE	OFFICE CODE	ESTABLISHMENT ID	EXTENSION	ACCOUNT NUMBER
or instance, th	e number MH,	/BAN/12345/123 ha	as to entered	as.
МН	BAN	12345	000	123
and the numbe	r MH/BAN/12	345/A/123 has to en	ntered as:	
MH	BAN-	12345	00A	123

- 11. Please fill Date of Exit (i.e. Date on which member has ceased to work in the previous establishment) for the previous employment in Item No. 11.
- 12. Please provide the details of Scheme Certificate in Item No. 12 (A) and Pension Payment Order in Item No. 12 (B), if the same have been issued to the member for the previous membership.
- 13. Please tick the relevant box in Item No. 13. If you are international worker then fill the boxes 13(A), 13(B) & 13(C) i.e. please provide country of origin in 13(A), Passport Number in 13(B) and validity period of Passport in 13(C).
- 14. Please tick the relevant Box for educational qualification in Item No. 14.
- 15. Please provide marital Status by ticking the relevant Box in Item No. 15.
- 16. Please tick the relevant box for handicap status in Item No. 16. If response to this item is YES, please tick the relevant category in the adjacent box.
- 17. Please provide 'Know Your Customer (KYC)' details of all the available documents mentioned in this column as far as possible. Bank account Number with I.F.S.C. code is mandatory. Fill the name as on KYC with KYC Number and also the remarks in Item No 17. Remarks column is to fill up the relevant details i.e. I.F.S.C. code in case of Bank account Number, 'Valid up to' date in case of Passport, date of expiry in case of driving license.

It is very important to note that KYC details are required to provide better services to the members and hence details of maximum number of documents should be provided in the Item No. 17.

- Please put your signature in the space provided with date and place. Please submit the filled up form to the present employer.
- The present employer is required to take necessary action as explained in detail on EPFO website under **UAN services** and fill up the necessary details with his signature, designation and seal in the space provided.

रजिस्ट्री सं॰ डी॰ एल॰-33004/99

REGD. NO. D. L.-33004/99



असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2602]

नई दिल्ली, बृहस्पतिवार, दिसम्बर 18, 2014/अग्रहायण 27, 1936

No. 2602]

NEW DELHI, THURSDAY, DECEMBER 18, 2014/AGRAHAYANA 27, 1936

श्रम और रोजगार मंत्रालय

(रोजगार और प्रशिक्षण महानिदेशालय)

विधिसूचना

नई दिल्ली, 18 दिसम्बर, 2014

वा.आ. 3238(आ).—केन्द्रीय सरकार, शिक्षु (संशोधन), अधिनियम, 2014 (2014 का 29) की धारा 1 की उप–धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, तारीख 22 दिसम्बर, 2014 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम प्रवृत्त होगा।

[फा. सं. डीजीईटी-1(1)/2.014-एपी]

आलोक कुमार, महानिदेषक / संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

(Directorate General of Employment and Training)

NOTIFICATION

New Delhi, the 18th December, 2014

S.O. 3238(E).—In exercise of the powers conferred by sub-section (2) of section 1 of the Apprentices (Amendment) Act, 2014 (29 of 2014), the Central Government hereby appoints the 22nd day of December, 2014 as the date on which the said Act shall come into force.

[F. No. DGET-1(1)/2014-AP]

ALOK KUMAR, Director General/Jt. Secy.

5022 GI/2014

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रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—14

REGISTERED NO. DL-(N)04/0007/2003-14



असाधारण

EXTRAORDINARY

भाग II - खण्ड 1

PART II - Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं॰ 35] नई दिल्ली, सोमवार, दिसम्बर 8, 2014/अग्रहायण 17, 1936(शक) No. 35] NEW DELHI, MONDAY, DECEMBER 8, 2014/AGRAHAYANA 17, 1936(SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 8th December, 2014/Agrahayana 17, 1936 (Saka).

The following Act of Parliament received the assent of the President on the 5th December, 2014, and is hereby published for general information:—

THE APPRENTICES (AMENDMENT) ACT, 2014

(No. 29 of 2014)

[5th December, 2014.]

An Act further to amend the Apprentices Act, 1961.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:-

1. (1) This Act may be called the Apprentices (Amendment) Act, 2014.

Short title and commencement.

Amendment

of section 2.

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- In the Apprentices Act, 1961 (hereinafter referred to as the principal Act), in section 2,—

(i) in clause (d), in sub-clause (1), after item (b), the following item shall be inserted, namely:—

"(bb) any establishment which is operating business or trade from different locations situated in four or more States, or";

Page 19

PART II-

- (ii) for clauses (e), (j) and (k), the following clauses shall respectively be substituted, namely:—
 - '(e) "designated trade" means any trade or occupation or any subject field in engineering or non-engineering or technology or any vocational course which the Central Government, after consultation with the Central Apprenticeship Council, may, by notification in the Official Gazette, specify as a designated trade for the purposes of this Act:
 - (j) "graduate or technician apprentice" means an apprentice who holds, or is undergoing training in order that he may hold a degree or diploma in engineering or non-engineering or technology or equivalent qualification granted by any institution recognised by the Government and undergoes apprenticeship training in any designated trade;
 - (k) "industry" means any industry or business in which any trade, occupation or subject field in engineering or non-engineering or technology or any vocational course may be specified as a designated trade or optional trade or both:
 - (iii) after clause (1), the following clauses shall be inserted, namely:-
 - '(ll) "optional trade" means any trade or occupation or any subject field in engineering or non-engineering or technology or any vocational course as may be determined by the employer for the purposes of this Act;
 - (III) "portal-site" means a website of the Central Government for exchange of information under this Act:";
- (iv) in clause (pp), for the words "such subject field in any vocational course as may be prescribed", the words "designated trade" shall be substituted;
 - (v) for clauses (q) and (r), the following clauses shall be substituted, namely:—
 - '(q) "trade apprentice" means an apprentice who undergoes apprenticeship training in any designated trade;
 - (r) "worker" means any person working in the premises of the employer, who is employed for wages in any kind of work either directly or through any agency including a contractor and who gets his wages directly or indirectly from the employer but shall not include an apprentice referred to in clause (aa).".

Amendment of section 3.

- 3. In section 3 of the principal Act, for clause (a), the following clause shall be substituted, namely:—
 - "(a) is not less than fourteen years of age, and for designated trades related to hazardous industries, not less than eighteen years of age; and".

Amendment of section 4.

- 4. In section 4 of the principal Act,-
 - (i) for sub-section (4), the following sub-sections shall be substituted, namely:—
 - "(4) Every contract of apprenticeship entered into under sub-section (1) shall be sent by the employer within thirty days to the Apprenticeship Adviser until a portal-site is developed by the Central Government, and thereafter the details of contract of apprenticeship shall be entered on the portal-site within seven days, for verification and registration.
 - (4A) In the case of objection in the contract of apprenticeship, the Apprenticeship Adviser shall convey the objection to the employer within fifteen days from the date of its receipt.
 - (4B) The Apprenticeship Adviser shall register the contract of apprenticeship within thirty days from the date of its receipt.";
 - (ii) sub-section (5) shall be omitted.

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THE GAZETTE OF INDIA EXTRAORDINARY

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5. After section 5 of the principal Act, the following sections shall be inserted, namely:-

Insertion of new sections 5A and 5B.

"5A. The qualification, period of apprenticeship training, holding of test, grant of certificate and other conditions relating to the apprentices in optional trade shall be such as may be prescribed.

Regulation of optional

5B. The employer may engage apprentices from other States for the purpose of providing apprenticeship training to the apprentices.".

Engagement of apprentices from other States.

6. In section 6 of the principal Act,-

Amendment of section 6.

- (i) in clause (a), for the words "determined by that Council", the word "prescribed" shall be substituted;
 - (ii) for clause (aa), the following clause shall be substituted, namely:-

"(aa) in the case of trade apprentices who, having undergone institutional training in a school or other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority or courses approved under any scheme which the Central Government may, by notification in the Official Gazette specify in this behalf, have passed the trade tests or examinations conducted by that Board or State Council or authority or by any other agency authorised by the Central Government, the period of apprenticeship training shall be such as may be prescribed;".

7. For section 8 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 8.

"8 (1) The Central Government shall prescribe the number of apprentices to be engaged by the employer for designated trade and optional trade.

Number of apprentices for a designated trade and optional trade.

(2) Several employers may join together either themselves or through an agency, approved by the Apprenticeship Adviser, according to the guidelines issued from time to time by the Central Government in this behalf, for the purpose of providing apprenticeship training to the apprentices under them.".

8. In section 9 of the principal Act,-

(i) for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Every employer shall make suitable arrangements in his workplace for imparting a course of practical training to every apprentice engaged by him.":

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) Such of the trade apprentices who have not undergone institutional training in a school or other institution recognised by the National Council or any other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette, specify in this behalf, shall, before admission in the workplace for practical training, undergo a course of basic training and the course of basic training shall be given to the trade apprentices in any institute having adequate facilities.";

(iii) sub-sections 4A, 4B, 5 and 6 shall be omitted.

Amendment of section 9.

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THE GAZETTE OF INDIA EXTRAORDINARY

PART II-

- (iv) for sub-section (7) and sub-section (7A), the following sub-sections shall be substituted, namely:—
 - "(7) In the case of an apprentice other than a graduate or technician apprentice or technician (vocational) apprentice, the syllabus of and the equipment to be utilised for, practical training including basic training in any designated trade shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.
 - (7A) In the case of graduate or technician apprentices or technician (vocational) apprentices, the programme of apprenticeship training and the facilities required for such training in any designated trade shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.";
- (v) in sub-section (8), in clause (c), after the words "employer alone", the words "except apprentices who holds degree or diploma in non-engineering" shall be inserted.

Amendment of section 15.

- 9. In section 15 of the principal Act,-
 - (i) for sub-section (1), the following sub-section shall be substituted, namely:-
 - "(1) The weekly and daily hours of work of an apprentice while undergoing practical training in a workplace shall be as determined by the employer subject to the compliance with the training duration, if prescribed.";
 - (ii) for sub-section (3), the following sub-section shall be substituted, namely:-
 - "(3) An apprentice shall be entitled to such leave and holidays as are observed in the establishment in which he is undergoing training.".

Amendment of section 19.

- 10. In section 19 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—
 - "(2) Until a portal-site is developed by the Central Government, every employer shall furnish such information and return in such form as may be prescribed, to such authorities at such intervals as may be prescribed.
 - (3) Every employer shall also give trade-wise requirement and engagement of apprentices in respect of apprenticeship training on portal-site developed by the Central Government in this regard.".

Amendment of section 21.

- 11. In section 21 of the principal Act.-
 - (i) for sub-section (1), the following sub-section shall be substituted, namely:—
 - "(1) Every trade apprentice who has completed the period of training may appear for a test to be conducted by the National Council or any other agency authorised by the Central Government to determine his proficiency in the designated trade in which he has undergone apprenticeship training.":
- (ii) in sub-section (2), after the words "National Council", the words "or by the other agency authorised by the Central Government" shall be inserted.

Amendment of section 22.

- 12. In section 22 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—
 - "(1) Every employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment.".

Amendment of section 30.

- In section 30 of the principal Act,—
 - (i) for sub-section (1), the following sub-sections shall be substituted, namely:-
 - "(1) If any employer contravenes the provisions of this Act relating to the number of apprentices which he is required to engage under those provisions,

SEC. 1]

THE GAZETTE OF INDIA EXTRAORDINARY

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he shall be given a month's notice in writing, by an officer duly authorised in this behalf by the appropriate Government, for explaining the reasons for such contravention.

- (1A) In case the employer fails to reply the notice within the period specified under sub-section (1), or the authorised officer, after giving him an opportunity of being heard, is not satisfied with the reasons given by the employer, he shall be punishable with fine of five hundred rupees per shortfall of apprenticeship month for first three months and thereafter one thousand rupees per month till such number of seats are filled up.";
- (ii) in sub-section (2),-
 - (a) after clause (f), the following clauses shall be inserted, namely:-
 - "(g) engages as an apprentice a person who is not qualified for being so engaged, or
 - (h) fails to carry out the terms and conditions of a contract of apprenticeship.";
- (b) for the words "imprisonment for a term which may extend to six months or with fine or with both", the words "fine of one thousand rupees for every occurrence" shall be substituted.
- (iii) after sub-section (2), the following sub-section shall be inserted, namely:-
- "(2A) The provisions of this section shall not apply to any establishment or industry which is under the Board for Industrial and Financial Reconstruction established under the Sick Industrial Companies (Special Provisions) Act, 1985.".
- 14. In section 37 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment of section 37.

"(IA) The powers to make rules under this section shall include the power to make such rules or any of them retrospectively from a date not earlier than the date on which this Act received the assent of the President, but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to whom such rule may be applicable.".

DR. SANJAY SINGH, Secretary to the Govt. of India.

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GMGIPMRND-3407GI(S3)-11-12-2014.

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रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



असाधारण

EXTRAORDINARY

भाग H—खण्ड 3—उप-खण्ड (i) PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

ਜੇ. 573] No. 573] नई दिल्ली, सोमवार, नवम्बर 10, 2014/कार्तिक 19, 1936

EW DELHI, MONDAY, NOVEMBER 10, 2014/KARTIKA 19, 1936

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 10th November, 2014

G.S.R. 784(E).—In exercise of the powers conferred under section 38 of the Payment of Bonus Act, 1965 (21 of 1965), the Central Government, hereby makes the following rules further to amend the Payment of Bonus Rules, 1975, namely:—

- Short fitle and commencement.— (1) These rules may be called the Payment of Bonus (Amendment) Rules, 2014.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
- In the Payment of Bonus Rules, 1975 (hereinafter referred to as the principal rules), for rule 5, the following rule shall be substituted, namely:—
 - '5. Annual Returns, (1) Every employer shall on or before the 1st day of February in each year upload annual returns in the Form D on the web portal of the Ministry of Labour and Employment giving information as to the particulars specified in respect of the preceding year:--
 - Provided that the annual returns shall be filed within the time limit specified in section 19 of the Act.
 - (2) Every employer on or before the 1st day of February in each year may file annual returns in the Form D to the Inspector giving information as to the particulars specified in respect of the preceding year:
- Provided that during inspection, the inspector shall require the production of the accounts, books, register and
 other documents if the same are maintained in manual form or in electronic form, as the case may be.

Explanation.—For the purposes of this sub-rule, the expression "electronic form" shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000).

	खण्ड 3(i)] भारत का राजपत्र : असाधारण		
	In the principal rules, for Form D, the following Form shall be substituted, name	nely.—	
	"Form D		
	[See rule 5(1)]		
	Unified Annual Return Form		
Cane	ral Part:		
. Creme	iai tat.		
a) Nan	ne of the establishment		
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	nail ID Telephone Number Mobile Number Name of the manager or person responsible for supervision and control of	of establishme	et
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No. 2367, dated the 6th September, 1975 and subsequently amended by S.O. No.251, dated the 7th January, 1					GN. HERE	[F.No.Z-160] 16/1/2014-V
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EMPLOYEES' PROVIDENT FUND ORGANISATION

(Ministry of Labour & Employment, Govt. of India) Head Office

Bhavishya Nidhi Bhawan, 14, Bhikaiji Cama Place, New Delhi - 110 066.

No: EDLI/6/1/2014

Date: 23-Dec-14

2 4 DEC 2014

Subject: EDLI Exemption Proposal - Insisting for minimum premium of 0.5% of wages in schemes offered in lieu of EDLI - clarification - regarding.

Sir.

It has come to the notice of Headquarters that many offices while examining or processing EDLI exemption proposals are insisting upon the criteria of minimum premium of 0.5% of the wages to be paid by the employer in the schemes offered by Insurance Service Providers in lieu of EDLI. In some cases instructions or directives have also been issued to the establishments / employers as well in this regard.

It is possible that this may have been done on the basis of the deliberations in the Meeting of the Zonal Additional Central Commissioners held on 07th and 08th March, 2014 at Headquarters where this issue was discussed. The matter has been examined and it is seen that the provisions of exemption from EDLI Scheme both under the EPF & MP Act, 1952 and the EDLI, 1976 Scheme do not sustain or support the criteria for insisting that the premiums payable by the employer in EDLI exemption cases should not be less than the statutory contributions of 0.5% of the wages.

Accordingly, field offices may not insist upon this criterion while processing EDLI exemption matters and if any instructions or directives have been issued to employers or establishments from the field offices in this regard, the same may be recalled.

Yours faithfully,

10013 lanmon,

(Rajesh Bansal)

Additional Central Commissioner (HQ)

Volume: 1 Jssue - 09

रजिस्टी सं० डी॰ एल॰ 33004/99

REGD. NO. D. L.-33004/99



असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित PUBLISHED BY AUTHORITY

ਜਂ. 2265] No. 2265] नई दिल्ली, शुक्रवार, नवम्बर 7, 2014/कार्तिक 16, 1936 NEW DELHI, FRIDAY, NOVEMBER 7, 2014/KARTIKA 16, 1936

MINISTRY OF LABOUR AND EMPLOYMENT NOTIFICATION

New Delhi, the 7th November, 2014

- S.O. 2838(E).—In exercise of the powers conferred by sub-section (1) of Section 7D of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) and in partial supersession of the notification of the Government of India in the erstwhile Ministry of Labour number S.O. 491(E), dated the 30th June, 1997, insofar as it relates to the establishments situated within the territories of the States of Karnataka, Tamil Nadu, Kerala, Andhra Pradesh, Telangana and Goa, and the Union Territories of Andaman and Nicobar Islands and Puducherry, except as respects things done or omitted to be done before such supersession, the Central Government hereby constitutes the Employees' Provident Funds Appellate Tribunal at Bengaluru, with effect from the date of publication of this notification in the Official Gazette to exercise the powers and discharge the functions conferred on it by said Act in respect of establishments situated within the territories of the States of Karnataka, Tamil Nadu, Kerala, Andhra Pradesh, Telangana and Goa, and the Union Territories of Andaman and Nicobar Islands and Puducherry.
- 2. The Employees' Provident Funds Appellate Tribunal shall sit in Bengaluru.
- 3. The existing Employees' Provident Funds Appellate Tribunal in Delhi shall exercise the powers and discharge the functions conferred on it by the said Act in respect of establishments situated within the Territories of India other than the States of Karnataka, Tamil Nadu, Kerala, Andhra Pradesh, Telengana and Goa, and the Union Territories of Andaman and Nicobar Islands and Puducherry.
- 4. On and from the date of publication of this notification, the Presiding Officer of the Employees' Provident Funds Appellate Tribunal in Delhi shall transfer the cases pending before the said Tribunal in respect of establishments falling within the aforesaid jurisdiction of the Employees' Provident Funds Appellate Tribunal, Bengaluru, to the said Appellate Tribunal at Bengaluru.

[No. S-35018/12/2014-SS-II]

ARUN KUMAR SINHA, Addl. Secy.

Volume: 1 Jssue - 09

CASE LAWS

Preparation of food items in the kitchen of a club falls within the ambit of manufacturing process. A Club, employing more than 20 employees, maintaining kitchen having refrigerator, geyser, etc., for preparation of foodstuffs, using power would amount to engaged in "Manufacturing process" bringing it under the definition of a factory. Profit —making or Non-profit making of any establishment would need no concern for applicability of the Employees' State Insurance Act, 1948 since the Act is a social Welfare Legislation.

Supreme Court of India – Delhi Gymkhanna Club Ltd.,Vs. Employees' State Insurance Corporation–2015 – LLR – 4

Contract employees fall within the definition of 'employee' as per the section 2 (f) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 when they were engaged in connection with the work of the principal employer. Noble object of the employer cannot be a justified reason for seeking waiver of interest and damages imposed by the EPF Authority for non-payment of contributions under the Employees' Provident Funds and Miscellaneous Provisions Act,1952.

Madras High Court – APFC Vs. Presiding Officer, EPF Appellate Tribunal – LLR-2015 – 74

Gratuity benefit of an employee cannot be limited to be less favourable in comparison to what that employee is to get under the Payment of Gratuity Act, 1972, by framing own Rule or Regulation or Scheme by the employer itself.

ORISSA HIGH COURT - Indian Red Cross Society, Orissa Vs. Banka Nidhi Mishra – FLR – 2014 (143) 696

When the services of a workman, who has completed continuous service for 240 days, are terminated, without one month's salary / wages/ pay in lieu of one month's notice, such a termination would be in contravention of section 25F of the Industrial Disputes Act, 1947, attracting reinstatement with full back-wages.

BOMBAY HIGH COURT - Executive Engineer, Public works Division, Wardha Vs.Mahadeo Govindrao Narayane – FLR -2014 (143) – 735

If the transfer order does not meet the requirement of transfer policy of the Company, it will be liable to be set aside. Non-assigning any reason or insufficient reason for affecting transfer of an employee would make the transfer illegal. If the transfer is not in accordance with the terms and conditions of the employment contract, the same is liable to be set aside.

ORISSA HIGH COURT – CAPT. Hari Shankar Airy Vs. Coal India Ltd and others –FLR -2014 (143) – 756

There is no violation of section 25F of the ID Act, 1947, in termination of services of the workman when the workman is unable to establish that he had worked for 240 days continuously, under the control and supervision of the principal employer

KARNATAKA HIGH COURT - Mallikarjun Vs. Associated Cement Co., Gulbarga - 2015 - LLR - 92



Employment Exchange Return [Due Date – 31 st Jan 2015]			
S.No	Act	Frequency	Principle Employer
1	E E Act	Quarterly	To be Submitted to Local Employment Exchange Form ER - 1

IT, ITES & Software Establishments [Due Date – 31 st Jan 2015]			
S.No	Act	Frequency	Principle Employer
1	S & E Act	Half Yearly	Self-Certification Half Yearly Return - Form O
2	S & E Act	As And When	Notice of Daily Hours of Work, Rest Interval Weekly Holiday - Form S
3	LWF	Annual	Labour Welfare Fund Annual Return (in applicable month) - Form A
4	Min Wages	Annual	Annual Return - Form III
5	Min Wages	Half Yearly	Self-Certification For Minimum Wages - Form XII
6	C.P.S.W.Act	Half Yearly	Annual return /Half yearly - Form 2
7	C.P.S.W.Act	Annual	Declaration statement under Rule 6(3) of Tamil Nadu Industrial Establishments (Conferment of permanent status) Act-1981
8	P.S.A.Act	Half Yearly	Annual return /Half yearly - Form 2
9	M.B.Act	Half Yearly	Self-Certification Half Yearly Return - Form L
10	M.B.Act	Annual	Annual Return - Form K
11	P.W. Act	Annual	Filing of Annual Return - Form IV
12	P.W. Act	Half Yearly	Self-Certification for Payment of Wages - Form VIII
13	Bonus Act	Annual	Bonus Return - Form D
14	GRA.Act	Half Yearly	Self-Certification Half Yearly Return - Form V
15	CLRA Act	Half Yearly	Self-Certification - Half Yearly Return - Form XXX
16	W.C.Act	Annual	Filing of Annual Return - Schedule

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Commercial Establishments (Trading & Marketing) – [Due Date – 31st Jan 2015]

S.No	Act	Frequency	Principle Employer
1	S & E Act	As And When	Notice of Daily Hours of Work, Rest Interval Weekly Holiday - Form S
2	LWF	Annual	Labour Welfare Fund Annual Return (in applicable month) - Form A
3	Min Wages	Annual	Annual Return - Form III
4	C.P.S.W.Act	Half Yearly	Annual return /Half yearly - Form No. 2
5	C.P.S.W.Act	Annual	Declaration statement under Rule 6(3) of Tamil Nadu Industrial Establishments (Conferment of permanent status) Act-1981
6	P.S.A.Act	Half Yearly	Annual return /Half yearly - Form 2
7	M.B.Act	Annual	Annual Return - Form K
8	P.W. Act	Annual	Filing of Annual Return - Form IV
9	P.W. Act	Annual	Notice of Rate of Wages - Form VI
10	P.W. Act	Annual	Tamil Nadu Payment of Wages Rules, 1937 - Form VII
11	Bonus Act	Annual	Bonus Return - Form D
12	W.C.Act	Annual	Filing of Annual Return - Schedule

For Factories – [Due Date – 31st Jan 2015]

S.No	Act	Frequency	Principle Employer
1	LWF	Annual	Labour Welfare Fund Annual Return (in applicable month) - Form A
2	LWF	Quarterly	Register of fines and unpaid accumulation - Form C
3	C.P.S.W.Act	Half Yearly	Annual return /Half yearly - Form No. 2
4	P.S.A.Act	Half Yearly	Annual return /Half yearly - Form 2
5	P.W. Act	Annual	Notice of Rate of Wages - Form VI
6	P.W. Act	Annual	Tamil Nadu Payment of Wages Rules, 1937 - Form VII
7	Fact. Act	Annual	Prescribed under Rule 76, The Tamil Nadu Factories Rules 1950 – Form No. 11
8	Fact. Act	Annual	Prescribed under clause (2) of rule 100 of the Tamil Nadu Factories Rules 1950 - Form No. 22 (Combined Annual Returns for the year ending 31 st December)

Compliance Check List – Jan'15

List of Registers to be Maintained Under Various Labour Laws

S. No.	Act	Frequency	Principle Employer>
1	S & E Act	MONTHLY	Register of advance , Deduction, Damages and Loss fine - Form – P
2	S & E Act	MONTHLY	Register of Employment for Shop and Establishment Form – Q
3	S & E Act	MONTHLY	Register of Wages - Form – R
4	S & E Act	MONTHLY	Notice of Daily Hours of Work, Rest Interval Weekly Holiday Form – S
5	S & E Act	MONTHLY	Wages slip/Leave card Return - Form - T
6	LWF	MONTHLY	Labour Welfare Fund register - Form – B
7	Min Wages	MONTHLY	Register of Fines –Form -1
8	Min Wages	MONTHLY	Deduction and Damages- Form - II
9	Min Wages	MONTHLY	Overtime register- Form - IV
10	S&E Act	MONTHLY	Whether minimum leave entitled / availed as per Shops & Establishment Rules
11	S.A.ACT	MONTHLY	Maintenance of Registers - Form - 1
12	P.S.ACT	MONTHLY	Maintenance of Registers - Form - 1
13	M.B.ACT	MONTHLY	Maintenance of Registers - Form - A
14	M.B.ACT	MONTHLY	Whether any maternity Benefit and maternity Bonus paid to the eligible women employee for the month
15	E.R.ACT	MONTHLY	Maintenance of Registers - Form - D
16	N.F.H.ACT	ONGOING	Maintenance of Registers - Form - VI
17	P.W. ACT	MONTHLY	Register of Fines - Form I
18	P.W. ACT	MONTHLY	Deduction and Damages - Form II
19	P.W. ACT	MONTHLY	Register of Advances - Form III
20	P.W. ACT	MONTHLY	Notice of Rate of Wages- Form - VI
21	EPF ACT	MONTHLY	EPF Challan on or before 15 th of Succeeding Month
22	ESI ACT	MONTHLY	ESI Challan on or before 21 st of Succeeding Month

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NOTICE BOARD DISPLAY COPY

23	MA.NO.BO	ONGOING	Abstract of the Maternity Benefit Act - FORM J
24	S & E Act	ONGOING	Notice of Daily Hours of Work, Rest Interval Weekly Holiday -FORM S
25	GRA. NO. BO	ONGOING	Abstract of the Gratuity Act - FORM U
26	P.W.NO.BO	ONGOING	Abstract of the Payment of Wages Act - FORM V
27	M.W. NO.BO	ONGOING	Abstract of the Minimum Wages Act - FORM X
28	N.F.H.ACT	ONGOING	Display of list of Holidays under National and Festival Holiday Act – FORM V
29	P.W. ACT	ONGOING	Notice of Rate of Wages under Payment of Wages Act Form – VI
30	CL NO.BO	ONGOING	Abstract of the Contract Labour Act - Rule 79
31	GRA.ACT	ONGOING	Display of Notice - Authorized by the employer to receive Notice - Rule - 4
32	Min Wages	ONGOING	Inspectors Details- under the payment of minimum wages Act – Rule 22(10)
33	N.F.H.ACT	ONGOING	Proceeding number received from Labour department- under the National and Festival Holidays Act - FORM III
34	Min Wages	ONGOING	Notices required to be displayed at work site, under Minimum Wages Act, showing rates of wages, hours of work, wage periods, date of payment of unpaid wages, Name and addresses of inspector in English and in a local language -Rule 10 of Annexure - A
35	S & E Act	ONGOING	Displayed in Entrance of Company - COMPANY NAME BOARD IN TAMIL & ENGLISH

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