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# V&M ASSOCIATES

## ADVOCATES & SOLICITORS

June -2015

# Newsletter

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### 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.

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## FROM THE **EDITOR'S DESK**

### NON COMPLIANCES CAN CAUSE DEATH OF A BRAND AND IRREPARABLE DAMAGES TO THE CORPORATE IMAGE

A **100 Billion** USD top line, with the Business History of **143 years** and presence of **80 plus** countries Corporate Structure has been shaken by a TWO LINE report of The Food Safety and Standards Authority of India [ACCUSED NESTLE](#) of failing to comply with food safety laws.

For past **Two weeks**, the story of **TWO Minutes** Noodles had taken the front pages of all leading dailies, most of the **24/7** News Channels and round the corner there had been a debate and mass accusations....

When the original company has been taken over by **JULIUS MAGGI** from his father, the company was working to bring protein rich legume and started a unit in the year 1897. At that time during industrial revolution in Switzerland created factory jobs for women, who were therefore left with very little time to prepare meals. Due to this growing problem **Swiss Public Welfare Society** asked **Julius Maggi** to create a vegetable food product that would be quick to prepare and easy to digest with an aim to improve the nutritional intake.

The undisputed leaders in the Instant Food Segment **Maggi**, lost its glory instantly as soon the report was filed and taken up by some court in the country directing issue notices to the endorsing celebrity on the grounds of violations and non-compliances of safety norms. The mass media took the lead role to create a momentum and the social media transformed the same it to a movement. The anti-brand & anti corporate agitation had become a "social outbreak in the name of awareness" finally forcing the states to act upon, ban, suspension, withdrawal, removal, cancelation of licenses what not ..... Resulting the 35 year old product to be withdrawn instantly by the company across the country.

Legally speaking, there was no authentic test report published, except the batch test on simple random sampling mode with some circumstantial clinical possibilities likely to cause serious disorders and finally stamped as "**unsafe and hazardous**".

Strange to note that neither the State had not given any opportunity to the company nor the corporate had taken any legal recourse expects circulating some statements and the massive attack and the need of protecting the rest of the image equity of the company, keeping the circumstances the company had withdrawn, one of the cash cows from the market, even before the millions of consumer understand, realize and reject.

The complete analysis can reveal the slippages of the practicing managers of the company which brought the company's 140 years old image and social stake at a shake. In any dimension one cannot draw a conclusion that the company had done it to become leader or intentionally or the purpose of optimizing sales may be as one of the differentiators. From the normal point of view, the solutions could have been either the company could have avoided the usage or the claims in some variance packets. This non compliances or slippages of some senior management team brought shame to a company which had been socially committed to bring innovative healthy food under better safety regulatory norms.

They're in every grocery shop - and whether travelling in the backwaters of Kerala, the deserts of Rajasthan, or the northern wilds of Ladakh, you'll find them on the menu at pretty much every roadside cafe.

**Maggi** have been called "the third staple" alongside rice and lentils - and are one of the country's best known and valuable brands, was killed due to non-compliances

[Julius Maggi](#) founded the company Maggi GmbH in the German town of [Singen](#), where it is still based today and continues to serve, hope to have come back of Maggi with a clean note and it a lesson for every practicing manager to be the custodian of compliances which can make huge differences in the long journey.

We the **V & M Associate's** pioneers and leaders in the business of adherences, compliances and conformance with the norms, continue to evolve industry wise / regulatory wise consulting and advisory services units and keen to provide exclusive services through our budgetary offerings. We make an appeal to the our busy practicing managers to be in touch with us to avoid the terminal damages of operations due to some simple non compliances,

**For V & M Associates News Letter Services,**

**Editor – in -Chief**



## Latest News

### **Three main Laws to be integrated**

The Union Labour Ministry will integrate three Laws – the Trade Unions Act, the Industrial Disputes Act and the Industrial Employment (Standing Orders) Act – into a single code for industrial relation.

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### **Now firms can file single return to comply with 8 laws**

To comply with as many as eight Labour Laws, firms can now file a single unified return under a new online facility launched by the Labour Ministry on 24.04.2015.

The move, the ministry said, will improve the ease of doing business and reduce costs.

“Instead of filing multiple returns, now they (firms) can file single unified return which will reduce cost of business transaction,” Labour Minister Bandaru Dattatreya said after launching the facility on ShramSuvitha portal in New Delhi.

He said it will also push government’s ‘Made in India’ programme.

“As many as eight returns under Labour laws would be covered under this single unified return. The remaining two returns filed with EPFO and ESIC also be brought under the scheme in few months,” Labour Secretary Shankar Aggarwal told reporters in New Delhi. He said the filing of the EPFO and ESIC returns include making payment towards the social security schemes run by these bodies, therefore, it would take some time to bring those under this scheme eventually.

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### **Forming unions would not be easy**

The national Democratic Alliance government plans to make it tougher to form unions in big enterprises. Also workers will not be allowed to protest in office premises or at houses of managers under certain circumstances.

According to a proposal by the union Labour Ministry, 10 per cent of the employees or 100 workers will be needed at least to form a Trade Union. Now it takes seven members to form a union irrespective of the size of the establishment.

Only employees will be allowed to form unions and in the unorganized sector two outside officials can become members of union.

The Union Labour Minister has proposed to integrate three Laws, the Trade Unions Act, the industrial Disputes Act and the Industrial Employment (Standing Orders) Act, into a single code for Industrial relation.

Trade unions have opposed this move as against workers' interest. But the Industry, however, lauded the move saying India locked protection for workers despite a larger number of representatives.

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### **Government plans amendment to allow children below 14 Yrs. to work**

The government plans to amend the child Labour Prohibition Act in the current session of Parliament, which will allow children below the age of 14 to work in select family enterprises if it doesn't hamper their education.

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### **300 workers firms may be free to retrench or close the industry**

The National democratic Alliance government has proposed allowing companies hiring upto 300 workers to lay them off without seeking official sanction. Currently, industries with upto 100 workers were allowed to do this.

The notice period for establishment to fire employees or shut down a unit is proposed to be increased to three months from one Month now.

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### **Mass Casuals Leave would be strike**

Mass casual leave will be considered a strike. The proposal says if more than half the workers are on casual leave, it will be treated a strike.

"This will reduce harassment of employers because workers tend to go on Casuals Leave and call it a strike," the official of Labour Ministry added.

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### **Move to jail those who refuse wage**

Now, denying labourer his or her notified minimum wages can land contractor/employer in jail. Arming the city's labourer with the confidence to take on exploitative contractors and employers on May Day, Chief Minister Arvind Kejriwal said that, in all these years not a single employer who denied minimum wages to workers has faced a jail term, but this is set to



change. The existing law which provides for fine of just Rs. 500 and imprisonment of upto six months will soon be amended to make punishment more stringent. Amendments to the law will be tables for approval of Delhi assembly in the budget session in June.

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### **Retrenched workers to get 3 times of compensation**

As proposed after amendment of the Industrial Dispute Act, the retrenched workers are to be paid an average salary of 45 days, instead of the 15 days at present.

At present, workers get 15 days' wage for every year worked as remuneration. You can't sustain in that amount. Now, we have proposed to raise this to 45 days of wages per year worked. So, if someone has worked for five years, he will get more than seven months of salary as compensation.

Union Labour Secretary Shankar Aggarwal told.

Aggarwal said in the name of compliance, because of stringent Labour Laws, small and big establishments were not able to set up factories in India and there was a lack of flexibility.

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### **EPFO gets nod to invest 5% of corpus in stock market**

The Labour Ministry has notified a new investment pattern for the Employees' Provident Fund Organization (EPFO) which allows the body to invest 5% of its funds in exchange traded funds (ETFs).

"We will invest 5% of the investible funds of EPFO in the ETF (Initially). The new investment pattern has been notified around last week of April, 2015", Labour Secretary Shankar Agarwal told reporters in New Delhi.

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## Amendments & Notifications

### Employees' Provident Fund Organization



कर्मचारी भविष्य निधि संगठन  
(श्रम एवं रोजगार मंत्रालय भारत सरकार)

**Employees' Provident Fund Organisation**

(Ministry of Labour & Employment, Govt. Of India)

मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14-भीकाजी कामा प्लेस, नई दिल्ली-110066

Bhavishya Nidhi Bhawan, 14- Bhikaji Cama Place, New Delhi - 110066

Fax: 011-26163431  
Telephone: 26175212

No.: Pension-I/17(6)2014/Jeevan Pramaan/

Date:

To

4538

7 MAY 2015

All Addl. Central Provident Fund Commissioners (Political States)

All Regional Provident Fund Commissioners  
(Incharge of the Regions)

All Officer-Incharges, Sub-Regional Offices

**Subject: Implementation of Jeevan Pramaan – Aadhaar based Online Pensioners' Digital Life Certificate for pensioners under EPS, 95 – regarding.**

Sir,

As you are aware that the Hon'ble Prime Minister has recently launched "Jeevan Pramaan" – an "Aadhaar-based Online Digital Life Certificate" for pensioners, a move that was aimed towards self-certification for pensioners in Central, State and other Government entities. Under this initiative a pensioner can digitally provide proof of being alive to authorities for continuity of pension every year instead of requiring to present oneself physically or through a Life Certificate issued by specified authorities. The present system requires that the pensioner has to submit a physical life certificate to EPFO directly or through pension disbursement agency i.e. bank. This exercise is to be carried out annually in the month of November to establish that the pensioner was alive in order to ensure continuity of his pension. The proposed digital certification will do away with the requirement of a pensioner having to submit a physical Life Certificate in November each year to the pension disbursement bank branch. The proposed system makes use of Aadhaar-based Digital Life Certificate for pensioners. The pensioners are required to have Aadhaar number to make use of this facility.

2. For the purpose, Department of Electronics and Information Technology (Deity) and National Informatics Centre (NIC) has developed a software for

registration of pensioners under Central Government Schemes, etc. and further on request of EPFO, NIC had carried out modifications in the software developed by Deity to differentiate the category of pensioners under EPS, 95 pensioners. The NIC team for the project has developed a software utility that can run on personal computers and Android operating system based smartphones. The software can be easily downloaded from the web and used in conjunction with a USB fingerprint/Iris device for Aadhaar based authentication.

3. After discussions on implementation and technical aspects with NIC, the pilot implementation of the project was launched in the offices of Regional Offices, Delhi and Chandigarh which has been successfully completed. As part of the trial run both the offices carried out approximately 9000 registrations for Aadhaar based online pensioners' digital life certificates from following locations: i.e.

- (i) **Designated Jeevan Pramaan Centres in the Region:** The pensioner will visit Jeevan Pramaan center with his Pension Payment Order and valid Aadhaar Card for registration and submission of digital life certificate.
- (ii) **EPFO offices :** The facility of registration will also be provided by the respective offices. The office will install computer system and biometric machine for the purpose of registration and submission of digital life certificate.
- (iii) **Branches of pension disbursing banks having maximum numbers of pensioners:** At this level, 4-5 branches of pension disbursing banks may be identified having maximum number of pensioners. The respective office will depute manpower in these branches with necessary system support i.e computer and biometric machine for registering the credentials of the pensioners. In this regard, pensioners who have already submitted the physical life certificates to banks are also to be contacted and motivated to come for registration in these designated branches.

4. The status of the project and its further implementation in all the field offices of EPFO was discussed in the meeting of ACCs(Zones) held on 16.4.2015 at EPFO headquarters wherein it was decided to roll out the project in all field offices of



EPFO. The dashboard and other technical requisites and functionalities have been developed by IS Division.

5. In this connection, it is directed that all the field offices may take up the task of implementing 'Jeevan Pramaan' initiative and for this purpose may procure the required Finger Print Devices and IRIS Readers locally following GFR provisions. It is suggested that one Finger Print Device may be procured for every 5000 pensioners and one IRIS Reader for every 10,000 pensioners. For example, if an office has 15000 pensioners, then the office may procure three Finger Print Devices and two IRIS Readers. In case of clarifications/guidance, if any, in the matter, IS Division may be contacted for the same.

6. Technical instructions and guidelines for downloading 'Jeevan Pramaan' software and its use as well as details of functionality provided in the EPF application software to support the initiative are being issued separately. The matter of providing orientation and user training is being taken up with NIC and details will be intimated shortly.

7. You are further requested to ensure that Aadhaar Numbers are seeded in Pensioners' Accounts. Efforts may be made to obtain the Aadhaar Numbers in relation to pensioners and database updated. All RPFs Incharge of the Regions are requested that the feedback/progress of the task carried out by the field office under their jurisdiction may be communicated to this office every month so that progress of the implementation can be monitored.

Yours faithfully,

  
(RAJESH BANSAL)

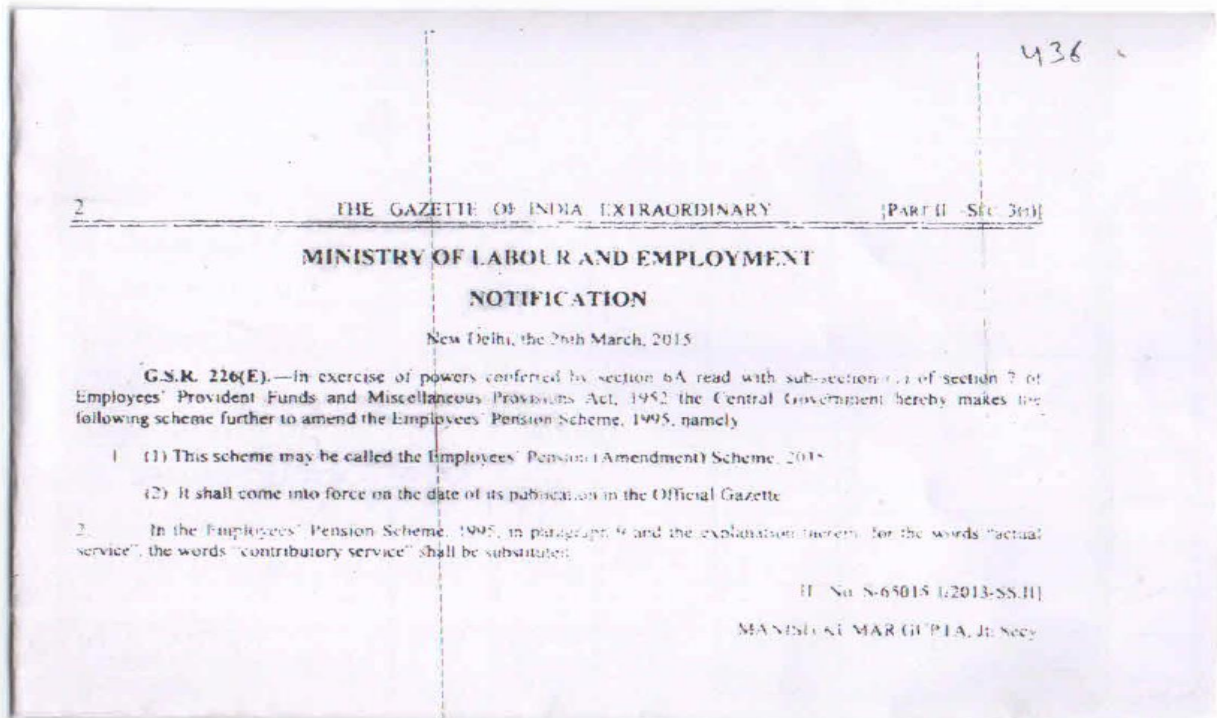
Addl. Central Provident Fund Commissioner(Hqrs.)

Copy to:-

1. PS to CPFC
2. PS to FA & CAO
3. PS to ACCs (Hqrs.)
4. PS to all ACCs in Headquarters.

## The Employees' Pension (Amendment) Scheme, 2015

### NOTIFICATION



## MINISTRY OF LABOUR AND EMPLOYMENT

## NOTIFICATION

New Delhi, the 26th March, 2015

G.S.R. 227(E).—In exercise of powers conferred by section 6A read with sub-section (1) of Section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the

Central Government hereby makes the following Scheme further to amend the Employees' Pension Scheme, 1995, namely:—

1. (1) This Scheme may be called the Employees' Pension (Second Amendment) Scheme, 2015.
- (2) It shall be deemed to have come into force with effect from the 1<sup>st</sup> day of September, 2014.
2. in the 'Table C'
- (i) Under column (1), after figures "6500" and under column (2), after figures "2051" the following shall be inserted, namely:—

TABLE - C

(See Paragraph 16)

## (EQUIVALENT WIDOW PENSION)

Salary at day of death not more than	Equivalent Widow Pension
(1)	(2)
(Rupees)	(Rupees)
6,550	2,056
6,600	2,061
6,650	2,066
6,700	2,071
6,750	2,076
6,800	2,081
6,850	2,086
6,900	2,091
6,950	2,096
7,000	2,101
7,050	2,106
7,100	2,111
7,150	2,116
7,200	2,121
7,250	2,126
7,300	2,131
7,350	2,136
7,400	2,141
7,450	2,146
7,500	2,151
7,550	2,156
7,600	2,161
7,650	2,166
7,700	2,171
7,750	2,176
7,800	2,181
7,850	2,186
7,900	2,191
7,950	2,196
8,000	2,201
8,050	2,206
8,100	2,211
8,150	2,216
8,200	2,221

1404 GI/15-3



8	THE GAZETTE OF INDIA : EXTRAORDINARY	[PART II—SEC. 3(i)]
	8,250	2,226
	8,300	2,231
	8,350	2,236
	8,400	2,241
	8,450	2,246
	8,500	2,251
	8,550	2,256
	8,600	2,261
	8,650	2,266
	8,700	2,271
	8,750	2,276
	8,800	2,281
	8,850	2,286
	8,900	2,291
	8,950	2,296
	9,000	2,301
	9,050	2,306
	9,100	2,311
	9,150	2,316
	9,200	2,321
	9,250	2,326
	9,300	2,331
	9,350	2,336
	9,400	2,341
	9,450	2,346
	9,500	2,351
	9,550	2,356
	9,600	2,361
	9,650	2,366
	9,700	2,371
	9,750	2,376
	9,800	2,381
	9,850	2,386
	9,900	2,391
	9,950	2,396
	10,000	2,401
	10,050	2,406
	10,100	2,411
	10,150	2,416
	10,200	2,421
	10,250	2,426
	10,300	2,431
	10,350	2,436
	10,400	2,441
	10,450	2,446
	10,500	2,451
	10,550	2,456
	10,600	2,461
	10,650	2,466
	10,700	2,471
	10,750	2,476



भाग II-खण्ड 3(i)

भारत का राजपत्र : असाधारण

9

10,800	2,481
10,850	2,486
10,900	2,491
10,950	2,496
11,000	2,501
11,050	2,506
11,100	2,511
11,150	2,516
11,200	2,521
11,250	2,526
11,300	2,531
11,350	2,536
11,400	2,541
11,450	2,546
11,500	2,551
11,550	2,556
11,600	2,561
11,650	2,566
11,700	2,571
11,750	2,576
11,800	2,581
11,850	2,586
11,900	2,591
11,950	2,596
12,000	2,601
12,050	2,606
12,100	2,611
12,150	2,616
12,200	2,621
12,250	2,626
12,300	2,631
12,350	2,636
12,400	2,641
12,450	2,646
12,500	2,651
12,550	2,656
12,600	2,661
12,650	2,666
12,700	2,671
12,750	2,676
12,800	2,681
12,850	2,686
12,900	2,691
12,950	2,696
13,000	2,701
13,050	2,706
13,100	2,711
13,150	2,716
13,200	2,721
13,250	2,726
13,300	2,731

10 THE GAZETTE OF INDIA: EXTRAORDINARY [PART II—SEC. 3(1)]

13,350	2,736
13,400	2,741
13,450	2,746
13,500	2,751
13,550	2,756
13,600	2,761
13,650	2,766
13,700	2,771
13,750	2,775
13,800	2,781
13,850	2,786
13,900	2,791
13,950	2,795
14,000	2,801
14,050	2,806
14,100	2,811
14,150	2,816
14,200	2,821
14,250	2,826
14,300	2,831
14,350	2,836
14,400	2,841
14,450	2,846
14,500	2,851
14,550	2,856
14,600	2,861
14,650	2,866
14,700	2,871
14,750	2,876
14,800	2,881
14,850	2,886
14,900	2,891
14,950	2,896
15,000 or more	2,901

[F. No. S-35012/1/2012-SS-II]

MANISH KUMAR GUPTA, Jr. Secy.

Note: The principal Scheme was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (1), vide notification number G.S.R. 748 (E), dated the 16<sup>th</sup> November, 1995 and last amended vide notification number G.S.R. 747 (E) dated the 27<sup>th</sup> September, 2001.

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and Published by the Controller of Publications, Delhi-110054.

**Provident Fund contributions only online from 1<sup>st</sup> May 2015**

Dear Employer,

As the financial year 2014-15 is coming to a close, let me place on record appreciation for the tremendous help extended by you in making the system of social security more transparent, efficient and accountable. Many a times during the year, we have sought your assistance and help in updating the database of EPFO, which you have extended; willingly and with a lot of enthusiasm. I am sure that all such efforts made by you will in future not only make EPFO as more as more efficient organization but shall reduce your cost of compliance to Social Security Act.

You are aware that from August, 2014 the payment of challans can be made electronically through internet banking. You will happy to note that this new facility has received tremendous response from the employer and more than 40% of the monthly contribution is being received through internet banking.

In order to further reduce your mandatory inference with EPF office/bank and to improve the ease of doing business in India, EPFO is contemplating to make payment of challans mandatory through internet banking mode. It is to inform you that w.e.f. 01-05-2015 i.e. the payment 1<sup>st</sup> month of next financial year will be received only through internet banking mode.

Should there be any clarification, it should be addressed to RPFC (F&A) (rc.fa@epfindia.gov.in) through e-mail.

(Sanjay Kumar) FA & CAO

**List of Banks for Online Payment Facility**

S. No.	Name of Banks	INTERNET BANKING		S. No.	Name of Banks	INTERNET BANKING	
		RETAIL	CORPORATE			RETAIL	CORPORATE
1	Axis Bank	√	√	29	State Bank of Bikaner and Jaipur	√	√
2	Bank of Baroda	√	√	30	State Bank of Hyderabad	√	√
3	Bank of India	√	√	31	State Bank of India	√	√
4	Bank of Maharashtra	√	√	32	State Bank of Mysore	√	√
5	BNP Paribas	√	√	33	State Bank of Patiala	√	√
6	Canara Bank	√	√	34	State Bank of Travancore	√	√
7	Catholic Syrian Bank	√	√	35	Syndicate Bank	√	√
8	City Union Bank	√	√	36	UCO Bank	√	√
9	Corporation Bank	√	√	37	Union Bank of India	√	√

10	Cosmos Bank	√	√	38	United Bank of India	√	√
11	Deutsche Bank	√	√	39	Vijaya Bank	√	√
12	Development Credit Bank	√	√	40	Allahabad Bank	√	X
13	Federal Bank	√	√	41	Andhra Bank	√	X
14	HDFC Bank Limited	√	√	42	Bank of Bahrain and Kuwait	√	X
15	ICICI Bank Limited	√	√	43	Central Bank of India	√	X
16	Indian Overseas Bank	√	√	44	Dena Bank	√	X
17	Jammu and Kashmir Bank	√	√	45	Dhanlaxmi Bank	√	X
18	Janta Sahkari Bank	√	√	46	IDBI Bank	√	X
19	Karur Vysya Bank	√	√	47	Indian Bank	√	X
20	Kotak bank	√	√	48	IndusInd bank	√	X
21	Lakshmi Vilas Bank	√	√	49	ING Vysya Bank	√	X
22	Oriental Bank of Commerce	√	√	50	Karnataka Bank	√	X
23	Punjab & Maharashtra Coop. Bank	√	√	51	RBS (The Royal Bank of Scotland)	√	X
24	Punjab and Sind Bank	√	√	52	Saraswat Bank	√	X
25	Punjab National Bank	√	√	53	Standard Chartered Bank	√	X
26	Ratnakar Bank	√	√	54	Tamilnadu Mercantile Bank	√	X
27	Shamrao Vithal Co-op. Bank	√	√	55	TNSC Bank	√	X
28	South Indian Bank Ltd	√	√	56	YES Bank	√	X

### **The Minimum Wages (Central) (Amendment) Rules, 2015**

G. S. R. 182(E).- Whereas a draft rule of the Minimum Wages (Central) Rules, 1950 was published as required by sub-section (1) of section 30 of the Minimum Wages Act, 1948 (11 of 1948), in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide Notification of the Government of India in the Ministry of Labour and Employment number G. S. R. 867(E), dated the 1<sup>st</sup> December, 2014, for inviting objections and suggestions from all persons likely to be affected thereby, within a period of thirty days, from the date on which copies of Gazette of India containing that notification were made available to the public;

And whereas the copies of the said Gazette notification were made available to the public on the 8<sup>th</sup> December, 2014;

And whereas, no objection or suggestion have been received on the said draft rules by the Central Government;

Now, therefore, in exercise of the powers conferred by section 30 of the said Act, the central Government hereby makes the following rules, namely:-



1. **Short title and commencement.** - (1) These rules may be called the Minimum Wages (Central)(Amendment) Rules, 2015.

(2) They shall come into force on the date of final publication in the Official Gazette.

2. In the Minimum Wages (Central) Rules, 1950, (hereinafter referred to as the principal rules), in rule 21, for

Sub-rule (4A), the following sub-rule shall be substituted, namely:—

‘(4A). Annual Returns. – (1) Every employer shall on or before the 1<sup>st</sup> day of February in each year upload annual returns in Form III on the web portal of the Ministry of Labour and Employment giving information as to the particulars specified in respect of the preceding year.

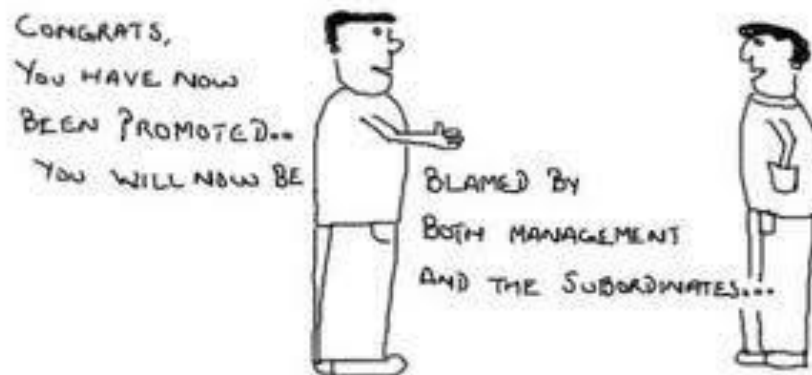
(2) Every employer on or before the 1<sup>st</sup> day of February in each year may file annual returns in the Form III to the Inspector giving information as to the particulars specified in respect of the preceding year:

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).’.

3. In the principal rules, for Form III, the following Form shall be substituted, namely:-

**To download the Form III:** <http://www.egazette.nic.in/WriteReadData/2015/163302.pdf>





## New Case Law

Charges of “go slow” and “wilful disobedience” (grave and serious in nature) if partially proved as per finding of the Labour Court and confirmed by the Industrial Court as well as High Court, would not be taken as grave and serious to justify punishment of dismissal from service being disproportionate and severe to the gravity of the misconduct. Misconduct of “go slow” and “wilful disobedience” when partially proved, would not attract major punishment of dismissal from service.

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***SUPREME COURT OF INDIA – Nicholas Primal India Ltd Vs. Harisingh 2015 – II LL J – 609 (SC)***

A workman is entitled to back wages even if he was gainfully employed since the post was not abolished. Termination of services only by paying one month's wages without complying with the applicable provisions of law is illegal retrenchment since the workman had completed continuous service of 240 working days in the preceding 12 months on the date of termination and work in nature has been proved to be perennial.

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***SUPREME COURT OF INDIA - State of Uttar Pradesh Vs.Charan Singh***

Contractors registered with the PF Department, having independent Code Number, are to be treated as 'independent employer'. EPF Authority not entitled to recover either PF contribution or damages from the principal employer in respect of employees engaged through contractors, registered with the PF Department, having independent Code number. However, the Liability of unregistered contractors, for payment of EPF contribution or damages, in case of default on his part, would fall on the principal employer, if not paid by the unregistered contractor, in view of clause 30 of the EPF Scheme, 1952.

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***MADRAS HIGH COURT - Brakes India Ltd, Sholinghur Vs.EPF Organisation, Vellore – 2015 – LLR – 635***

When it is proved that the employment contract with the contractor is sham and nominal, the employees of the contractor will be having their right to be absorbed as regular employee of the principal employer. A contract of employment with any contractor is sham and nominal when over all day to day administrative control and supervision upon those workers is exercised by the principal employer through its officials in addition to payment of wages, allowances and other benefits are borne by the principal employer and the work is of regular nature.

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***MADRAS HIGH COURT - Bharat Heavy Electricals Ltd., Ranipet Vs.Canteen Workers of BHEL – 2015 – LLR 580***

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An employer having failed to issue notice under section 7 (2) of the Payment of Gratuity Act, 1972, has no right to question the limitation of time in filing the application by an employee claiming gratuity. There is no period of limitation prescribed for moving an application to receive gratuity especially when the employer has not discharged its obligation under section 7(2) of the Act

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**BOMBAY HIGH COURT – 2015 – LLR 610**

In the absence of there being any certified standing orders of the employer, Model standing orders framed under the Industrial Employment (Standing Orders) Act, 1946, would be applicable. Terms of appointment letter, contrary to the terms of Model Standing Orders, will not have any binding force and would be illegal

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**ALLAHABAD HIGH COURT – Indian Oil Corporation Ltd., Vs. R.P.Garg – 2015 – (145) FLR 93**

Regional Provident Fund Commissioner does not have a *locus standi* to challenge the orders of the EPF Appellate Tribunal since he is an Adjudicating Authority who exercises power of *quasi – judicial* nature to determine the *lis*. Regional Provident Fund Commissioner cannot fall within the purview of ‘any aggrieved person’ at the instance of whom appeal under section 7 –I of the Employees’ Provident Funds and Misc. Provisions Act, 1952 would lie.

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**GUJARAT HIGH COURT – Regional Provident Fund Commissioner Vs. EPF Appellate Tribunal and Another -2015 (145) FLR – 137**

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## COMPLIANCE CHECK LIST

### List of Registers to be Maintained Under Various Labour Laws

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



**NOTICE BOARD DISPLAY COPY**

23	MA.NO.BO	ONGOING	Abstract of the Maternity Benefit Act - <b>FORM J</b>
24	S & E Act	ONGOING	Notice of Daily Hours of Work, Rest Interval Weekly Holiday - <b>FORM S</b>
25	GRA. NO. BO	ONGOING	Abstract of the Gratuity Act - <b>FORM U</b>
26	P.W.NO.BO	ONGOING	Abstract of the Payment of Wages Act - <b>FORM V</b>
27	M.W. NO.BO	ONGOING	Abstract of the Minimum Wages Act - <b>FORM X</b>
28	N.F.H.ACT	ONGOING	Display of list of Holidays under National and Festival Holiday Act - <b>FORM V</b>
29	P.W. ACT	ONGOING	Notice of Rate of Wages under Payment of Wages Act <b>Form – VI</b>
30	CL NO.BO	ONGOING	Abstract of the Contract Labour Act - <b>Rule 79</b>
31	GRA.ACT	ONGOING	Display of Notice - Authorized by the employer to receive Notice - <b>Rule - 4</b>
32	Min Wages	ONGOING	Inspectors Details- under the payment of minimum wages Act - <b>Rule 22(10)</b>
33	N.F.H.ACT	ONGOING	Proceeding number received from Labour department- under the National and Festival Holidays Act - <b>FORM III</b>
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 - <b>Rule 10 of Annexure - A</b>
35	S & E Act	ONGOING	Displayed in Entrance of Company - <b>COMPANY NAME BOARD IN TAMIL &amp; ENGLISH</b>

**Due Date For Filing Of Returns - 31st July-2015****July Month Returns For IT/ITES Company**

<b>Act</b>	<b>Frequency</b>	<b>Details</b>
S & E Act	Half Yearly	Self Certification Half Yearly Return – <b>Form - O</b>
Min Wages	Half Yearly	Self Certification For Minimum Wages – <b>Form - XII</b>
M.B.Act	Half Yearly	Self Certification Half Yearly Return – <b>Form - L</b>
P.W. Act	Half Yearly	Self Certification for Payment of Wages – <b>Form - VIII</b>
Gra .Act	Half Yearly	Self Certification Half Yearly Return – <b>Form - V</b>
CLRA Act	Half Yearly	Self Certification - Half Yearly Return - <b>Form - XXX</b>
C.P.S.W.Act	Half Yearly	Conferment of Permanent Status to Workmen- <b>Form - 2</b>
P.S.A.Act	Half Yearly	Tamilnadu Payment of Subsistence Allowance <b>Form - 2</b>
E .E Act	Quarterly	To be Submitted to Local Employment Exchange <b>Form ER-1</b>
LWF	Quarterly	Register of fines and unpaid accumulation - <b>Form - C</b>

**July Month Returns For Factories**

Act	Frequency	Details
Fac Act	Half Yearly	Factories Act- Half-Yearly Return - <b>Form - 21</b>
C.P.S.W.Act	Half Yearly	Conferment of Permanent Status to Workmen- <b>Form - 2</b>
P.S.A.Act	Half Yearly	Tamilnadu Payment of Subsistence Allowance <b>Form - 2</b>
E .E Act	Quarterly	To be Submitted to Local Employment Exchange <b>Form ER-1</b>
LWF	Quarterly	Register of fines and unpaid accumulation - <b>Form - C</b>

**July Month Returns For Trading Company**

Act	Frequency	Details
C.P.S.W.Act	Half Yearly	Conferment of Permanent Status to Workmen- <b>Form - 2</b>
P.S.A.Act	Half Yearly	Tamilnadu Payment of Subsistence Allowance <b>Form - 2</b>
E .E Act	Quarterly	To be Submitted to Local Employment Exchange <b>Form ER-1</b>
LWF	Quarterly	Register of fines and unpaid accumulation - <b>Form - C</b>

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