

ONE TEAM

DIVERSIFIED

ACTIVITIES



In this Issue:

- ✍ **News**
- ✍ **Changing Scenario Law Scenario**
- ✍ **Amendments & Notifications**
- ✍ **Case Laws**
- ✍ **Statutory Compliance Check-List**

Editor - In Chief

S.S.Madhavan, M.A., MBA. BL.,

Editorial Board

R.R.Ravindran, M.A., MBA., BL.,
G.K. Kalidass, M.Sc., MBA., ML.,
P. Nehru, B.Sc., B.L.,



**No: 13, Old. No 7, First Floor, 4th Main Road, Officers Colony,
Adampakkam, Chennai – 600 008, www.vmlegalassociates.com**

About Us



V & M Associates is a full service Law Firm with offices at Chennai, Bombay and associate Lawyers in most of major cities of the country. The main office of the Firm is in Chennai, conveniently located close to the International & Domestic Airport and it is easily accessible from all parts of the City.

The Partners and members of the Firm are senior professionals with several years of experience behind them. Some of our senior founding partners rendered their services in the Capacity of Regulating Authorities with judiciary powers for state & Federal Government. The practicing team is supported by the Economic Legislative Experts like Chartered Accountants, Company Secretaries, & Management Cost Accountants, besides has the team of able assisting trained Para legal workforce. They bring the highest level of professional service to clients along with the traditions of the profession, integrity and undisputed ethical practices. Members of the Firm are in absolute alignment with the work-culture of Global Law firms as well as with an ability of meeting the expectations of large corporate clients. The Firm has amongst its client's multi nationals, Industrial Houses with huge workforce, Information Technology companies, Leading Software Houses, ITES Companies and most admired leading Indian corporations.

V & M Associates has developed a high specialization in the field of Legal & Management Business Advisory services, providing *360 degree of scale with the 3 Dimensional approaches* on client centric customized, consulting services of to all kind of Corporate Houses. Our **Corporate Law Services** is a team of highly qualified and experienced lawyers, who offer effective services to our clients by combining broad knowledge of corporate law matters with experience in key sub disciplines, with the ability to identify potential issues and develop real-time, practical solutions to a wide variety of client concerns.



From the Desk of the Editor in Chief

We need to be proud for couple of things, one is that I am part of Indian Corporate and is that I am the part of Managerial Community, which has considerable role in sharing the credits of India Inc success story.

Bullish, Upbeat, Positive, These were the three words that Indian officials employed repeatedly over 12 hours to describe what they said was the predominant mood among the chief executives of big American companies who called on our P.M during his recent visit to U S.

A group of 42 CEOs from Fortune 500 companies with combined net worth of the men around the table was 4.5 trillion dollars expressed their immense faith on the resource potential of our country and reassured for greater plans.

The American media and entertainment industry led by an ageing Rupert Murdoch of News corp., his son James Murdoch and the top honchos of 21st Century Fox, Sony, Discovery, Time Warner, A&E, and other - 40 per cent of the world's entertainment industry appreciated the Market size and growth of India

When they impose an unshakable faith on us it becomes our professional obligations to get aligned to the finer tune of Performance of the organizations to prove that we have better things in store

Considering the need for a stand up for performance is it a Start –Up or Star Company, we at **V & M Associates**, designed a **Corporate Performance a Management Services Cell** to facilitate CPM and engaged senior professionals in the Industry to work with your team in accordance with your key performance indicators.

What we need to be.... let's borrow the answer from Mr. Raghuram Rajan, The Governor of Reserve Bank of India - "I don't know what you want to call me, Santa Claus, I don't go by these things, My name is Raghuram Rajan and ***I do what I do.***"

As we got it rightly from the Performing Legend ***let's do what we do*** correctly and make new rules for better performance to break the best achievements soon by of Almighty.

Happy reading,
Editor –in-Chief

RECENT LABOUR LAW SCENARIOS

ESIC LAUNCHES GRIEVANCE MODULE

With the help of WIPRO, the public grievance module for ESIC was launched in New Delhi recently. This module will be available to the insured persons, employers, and General public to lodge their grievances pertaining to the Corporation. This module is available on the ESIC's portal.



ESIC PROVIDES POOR VALUE FOR MONEY

Data compiled by ESIC shows that in the last fiscals ESIC has received a total contribution of Rs.28, 611 crore from 2 crore subscribers. However, the ESIC, extended cash and medical benefits to the tune of 16.5 crore only. ESIC, poor value for money, with only 48% of contribution being paid out as benefits.

CONSTRUCTION WORKERS TO AVAIL ESI BENEFIT

The Labour Ministry may propose to bring 25 lakhs building and construction workers in the country, most of whom are part of the unorganised sector.



STEPS TAKEN ON PATERNITY LEAVE

Most corporate extended the duration of Paternity leave to male employees. While consumer goods Godrej, in April extended its paternity leave policy to 10 working from 7 days earlier, IT major Intel India, recently announced that the company has increased from five working days to 10 working days (two weeks)

EXTENSION OF MATERNITY LEAVE

In a recent communication to Labour Minister , Women and Child Development (WCD), Minister Maneka Gandhi, requested that “ Maternity Leave Entitlement be increased to 8 months(including one month before expected delivery date and seven months after delivery) for all working Women”.



CHILD LABOUR BILL WILL BE CLEARED SHORTLY

The legislation calls for stringent complete ban on employment of children below 14 in any form, in any industry. Further, it disallows children aged 14-18 working in hazardous areas. According to Union Labour Minister, the bill will be passed for total ban on child labour in the next session of Parliament.

LIMIT ON CONTRACT WORKERS

The Government is considering fixing the proportion of contract workers at 50% that an organisation can hire, a move that may help it dilute opposition to labour reforms but is sure to trigger stiff opposition from industry. The first draft of the proposal will be finalised soon, after which the Government will kick start consultation with key stakeholders, including trade unions and employers.



FOR 368 PEON POST – 23 LAKH APPLICATION

23 Lakh persons have applied against 368 posts of peon in the state secretariat. The number is almost half the population of Lucknow, which is 45 Lakhs. What is even more shocking is that over two lakh applicants are at least graduate with B.Tech, and includes Master Degrees along with 255 candidates with PhD degree in hand.

POOR PERFORMANCE OF EMPLOYMENT EXCHANGES

Putting a question mark on efficiency of employment exchanges, despite hundreds of crores spent on them, the 956 employment exchanges across India helped offer just 4.28 lakh placements in 2012, less than 1% of 4.48 crore people registered with them by that year.

AMENDMENTS TO FACTORIES ACT, 1948 – IN MAHARASHTRA

The Maharashtra legislative assembly cleared amendments to the Factories Act which aims to free companies from the shackles of Inspector Raj. The amendments aim to exclude more than 14,300 units from the purview of the Factories Act, 1948, and pave way for women to work in night shifts.

LABOUR REFORMS TO IMPROVE LIVES OF POOR

Prime Minister Narendra Modi made a strong pitch for labour reforms in his Independence Day Speech saying it would simplify the lives of the poor. “Laws should be clear and precise. It is only then that society progresses. Modi added, “We have brought a change in them. We are converting 44 labour laws into 4 simplified codes, which will be easy to follow for the poor as well as the illiterate labourers.”



Amendment

WEB CIRCULATION ONLYTelephone: 011-26172580
FAX: 011-26175913

कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation
कर्म एवं रोजगार मंत्रालय भारत सरकार
Ministry of Labour & Employment, Govt. Of India
मुख्यालय/Head Office

भविष्य निधि भवन, 14-भिकाजी कामा प्लेस, नई दिल्ली -110066
Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi-110066
Website : epfindia.gov.in

No. R-1/P-20/UAN/2014/Vol.II

Dated 22.09.2015

To

All Additional Central P.F. Commissioners (Zones),
All Regional P.F. Commissioners (Officer-in-charge),
Regional Office/Sub-Regional Offices.

Sub: Launch of Mobile application, SMS based UAN activation & Missed Call Services– Reg.

Three services were launched by Sh. Bandaru Dattatreya, Hon'ble Minister of State for Labour & Employment (Independent Charge) on 15th September 2015 at Hyderabad. Three services that were launched are:-

- (i) Mobile Application
- (ii) SMS based UAN Activation
- (iii) Missed Call service

(i) Mobile Application: By downloading the new mobile application from the EPFO website, www.epfindia.gov.in the members would be able to activate their UAN accounts from the comfort of their mobile phones and can also access their accounts for viewing their monthly credits through the passbook as well view their details available with EPFO. Similarly the EPF pensioners have been given the facility to access their pension disbursement details through this mobile app. Likewise the employer can also view their remittance details.

(ii) SMS based UAN Activation: It enables members to activate their accounts by sending an SMS to 7738299899 thus further making the activation process easy. Once activated, the member becomes eligible to all services envisaged in UAN programme such as credit alerts, passbook etc. This new service is especially helpful to such members who may not have easy access to computers or smart phones.

(iii) **Missed Call service:** EPFO has already in place a Short Code SMS service which has enabled the members in knowing their details along with contribution and PF Balance through an SMS at 7738299899. As an extension to this service, the Missed Call service is intended to further ease the process since only a missed call at 01122901406, at no cost to the member, would provide him all the envisaged details. As this facility is available only to the UAN activated members, such facility will speed up the UAN activation process by the members.

2. It is therefore requested to publicise these service among the stakeholders of EPFO so that more and more members can avail the benefits of these services.

Yours faithfully,


(Jagmohan)

Additional Central P.F Commissioner (IS)

Copy to:

1. P.S. to CPFC
2. RPFC-II (Publicity): With a request to publicised these services through electronic and print media.
3. RPFC- II (NDC): For webupload please.



***"If you are born poor
it's not your mistake,
but if you die poor
it's your mistake."***

-Bill Gates

***"If your father is a poor
man,
it's not your mistake.
But, if your father-in-law
is a poor man,***

***it's definitely your
mistake."***



-Derp Gates



कर्मचारी भविष्य निधि संगठन
EMPLOYEES' PROVIDENT FUND ORGANISATION

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

(MINISTRY OF LABOUR & EMPLOYMENT, GOVT. OF INDIA)

मुख्यालय HEAD OFFICE, भविष्य निधि भवन BHAISHYA NIDHI BHAWAN

14, भीकाजी कामा प्लेस, नई दिल्ली-110066 14-BHIKAJI CAMA PLACE, NEW DELHI-110066

No.C-III/110001/4/3(71)Misc./2013/DL/Vol.III/

Dated:01 September 2015

- 2 SEP 2015

To

All Addl. CPFCs (Zones) & Director, NATRSS
All RPFCs in charge of RO / SRO / ZTI / SZTI / ZVD / ZAO
All Officers in Head Office

Sub: Issue of summons for personal appearance of Employers – Reg.

Sir,

As per the provisions of the EPF & MP Act 1952, vide Notification No.S.O.1913 the Central Provident Fund Commissioner, and all APFCs, RPFCs, Addl. CPFCs, have been notified as Inspectors under Section 13(1) of the EPF & MP Act. All officers accordingly possess the powers of Inspectors under the EPF & MP Act and can cause inspection of any premises and/ or summon such documents and information as may be required for the purpose of enforcing the provisions of the Act. However, as a matter of policy, the officers are confined to exercise their power as Inspector subject to the geographical jurisdiction of the office where they function. This ensures that there is no interference / overlapping of functioning between any two offices/ officers. Main task of officers at zonal offices and Head Office is to administer and review the performance of the subordinate offices and not to exercise above powers in routine.

Summoning of employer by officers at multiple levels will create confusion and unwanted duplicity of work. It is therefore, decided that the officers in Head Office and Zonal ACC Office will not summon employers directly for any purpose in exercise of powers delegated under Section 13(1) of the EPF & MP Act and will normally use the services of officers in Regional/ Sub-Regional Offices for getting the work done. Wherever there is any special need for summoning any person directly, permission of Additional Central Provident Fund Commissioner (HQ-Compliance) or Central Provident Fund Commissioner shall be obtained for the same.

Yours faithfully,

(RAJESH BANSAL)
(HQ-COMPLIANCE)

Additional Central Provident Fund Commissioner (HQ-COMPLIANCE)

Copy to:

1. RPFC-II, NDC for uploading on website
2. Hindi cell for Hindi version
3. Guard file



कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation
 (श्रम एवं रोजगार मंत्रालय भारत सरकार)
 (Ministry of Labour & Employment, Govt. Of In
 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: 011-26173022
 Telephone: 26172685

FOR WEB CIRCULATION ONLY

No. Bkg/1(21)/Disab./2008/Vol.VI

Date:

To

22 SEP 2015

All Regional P. F. Commissioner-I/ACC
 In-Charge
 Regional Offices.

Subject: **Scheme for incentives to employers in the private sector for providing employment to persons with disabilities.**

Sir/Madam,

While conveying sanction for the further advance towards employers' share of contribution in respect of disabled persons under the Disability Scheme, the Ministry of Social Justice and Empowerment has categorized the amount in different category i.e. General (including OBC), SC, ST and NE (North East). The grant-in-aid is to be regulated in accordance with the provisions contained in the GFR 2005 under which EPFO is to submit Utilization Certificate to the sanctioning authority in respect of the above Funds.

2. Accordingly, the Regional Offices are requested to provide the category-wise information of name of the employees, amount reimbursed and the period of disabled employees in respect of whom your office (including Sub-Regional Offices) has reimbursed the amount and reported to Head Office through quarterly reports from 01.04.2008 onwards.

3. This may be treated as Most Urgent and a report be submitted to Head Office as early as possible.

Yours faithfully,

(Sanjay Kumar)

Regional P. F. Commissioner-I(F&A)

For Web circulation only



कर्मचारी भविष्य निधि संगठन
Employees' Provident Fund Organisation

(कर्म एवं रोजगार संचालक, भारत सरकार)
 (Ministry of Labour & Employment, Govt. of India)
 मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14, बीकानजी कान्हा प्लेस, नई दिल्ली - 110 066
 Bhavishya Nidhi Bhawan, 14-Bhikaji Cama Place, New Delhi-110066
www.epfindia.gov.in www.epfindia.nic.in
 Telephone: 011-26196239 Fax: 011-26173022

No. WSU/5(3)2012/EDLI / 24271

Date: 07.09.2015

To

All ACC (Zones),
 All Regional PF Commissioners/In-charge of
 ROs/SROs.

Subject: Payments through NEFT for EDLI benefits.

Sir/Madam,

Please refer to the above said subject.

2. At present, all the payments to the beneficiaries are made through NEFT (National Electronic Funds Transfer) except for the payments from EDLI Account No.21 which are being made through cheques.

3. It has been decided that payments from Account No. 21 may also be effected through NEFT system to facilitate an efficient, secure, economical, reliable and expeditious payment system. ROs/SROs may present individual cheques to the link branches of State Bank of India (SBI) for NEFT payments. In case of payments for non-NEFT enabled banks, cheques may continue to be sent through speed post. SBI, on receipt of the cheque, will credit the same to the account of the beneficiary through CBS if the account is maintained in SBI or through NEFT if account is in non-SBI bank. This interim arrangement shall be in place until a provision is made in the software for the same.

4. Kindly take note that while making payments through NEFT/Electronic mode, no revenue stamp would be required to be affixed on submission of claim forms by the beneficiaries.

5. This has approval of Central P.F. Commissioner.

Yours faithfully,

Sanjay
 (Sanjay Kumar)
 RPFC-I (F&A)

Copy to:

- 1) RPFC (NDC) for web upload
- 2) DD (OL) for issuing Hindi version

WEB CIRCULATION ONLY

Telephone: 011-26172680
FAX: 011- 26175913

कर्मचारी भविष्य निधि संगठन

Employees' Provident Fund Organisation

एन एच रोजगार मंत्रालय भारत सरकार

Ministry of Labour & Employment, Govt. Of India

मुख्य कार्यालय/Head Office

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

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

Website : epfindia.gov.in

No. R-I/P-20/UAN/2014/Vol.II

Dated 08.09.2015

To

24663

- 9 SEP 2015

All Additional Central P.F. Commissioners (Zones),
All Regional P.F. Commissioners (Officer-in-charge),
Regional Office/Sub-Regional Offices.

Sub: Seeding of KYC by EPFO offices in respect of employers having employees less than 50 and without any Digital Signature registered with EPFO-reg.

Sir/Madam,

It may be recalled that EPFO has made it mandatory for all the employers having employees more than 50 to have Digital Signature registered with EPFO to carry out various digital verification activities including KYC seeding. A number of representations have been received from various field offices for providing a functionality for digital verification of KYCs by the field offices in respect of employers with less than 50 employees which are not required to have digital signature as mandated by EPFO.

2. Accordingly, a functionality has been provided to facilitate the employers with less than 50 employees to get their KYCs approved digitally by their concerned field offices. The functionality introduced can be operated by field offices by creation of authorized users and registering their digital signature on the OTCP portal. The choice of authorized users is to be made strictly in accordance with the instructions issued earlier by Head Office vide its letter No. IS 1(3)2003/Norms/8284 dated 11.09.2014. All the field offices are requested to go through the said letter. However, a few points are being reiterated for the sake of understanding the functionality as below:

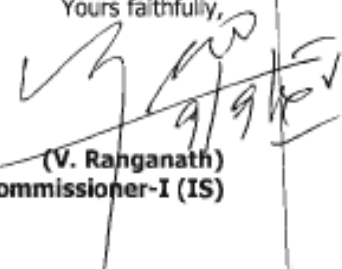
- The employer would upload the KYC on his own as detailed in User Manual and take a print out of the member details with KYC. He shall verify the same by putting the physical signature and seal of the authorized signatory and submit the same to EPFO offices;
- Upon receipt of these documents, an APFC or any other officer not below the rank of AO/EO authorized by OIC shall verify these documents before approving such KYC

details on the UAN Portal. The verification will be done using digital signature of the officer so authorized, just as it is being done by the employer;

- The storage of the KYC documents physically verified and submitted by the employer and subsequently verified by APFC or any other officer so authorized by OIC on the portal will also be important for future reference. Therefore, these KYC documents may be scanned by the officer and uploaded on the UAN Portal for which necessary facility shall be provided on the portal, very shortly. As a matter of abundant precaution, the verified physical documents received are to be got hard bound by the OIC and stored safely for future reference and retrieval as and when required since the development of the software is likely to take some time;
- This facility shall be restricted to only in respect of those employers who on the date of allotment of UAN had 50 or less employees;
- This facility shall be enabled by offices on receipt of specific request from such establishments.

3. As explained above, the functionality would require action at the end of employer as well as field offices. The process flow has been explained in detail at Annexure. Accordingly, it is requested to make use of this functionality of KYC details in respect of smaller employers that is with less than 50 employees and not possessing Digital Signature.

Yours faithfully,



(V. Ranganath)
Regional PF Commissioner-I (IS)

Copy to:

1. P.S. to CPFC
2. P.S. to FA & CAO
3. P.S. to Chief Vigilance Officer, HQrs
4. P.S. to All Additional Central P.F. Commissioner, Head Office
5. RPFC- II (NDC): For webupload please.



कर्मचारी भविष्य निधि संगठन
(कोय एवं रोजगार, मंत्रालय, भारत सरकार)
EMPLOYEES' PROVIDENT FUND ORGANISATION
(Ministry of Labour & Employment, Govt. of India)
मुख्य कार्यालय / Head Office
भविष्य निधि भवन, 14, चक्रवर्ती कृष्ण राव रोड, नई दिल्ली-110 066.
Bhavshya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi - 110 066.

No. C-III/110001/4/3(71)Misc./2013/DL

Dated: 15.10.2015

To

All Regional PF Commissioners,
In-charge of Regional / Sub Regional Offices

Subject: Coverage of all construction workers under the ambit of Employees Provident Funds and Misc. Provisions Act, 1952.

Sir,

May please refer to Head Office Circular No. C-III/ 110001 / 4 / 3 (71) Misc / 2013 / DL / 12802 dated 08.10.2013 (Place at Sl. No. 428) and Circular No. C-III/110001/4/3(71)Misc/2013/DL/34862 dated 22.01.2015. CPFC has also sent e-mails on the subject. The issue has also been discussed in various meetings held at Zone level and at the Head Office level and instructions have also been given vide those minutes.

2. A latest letter from the Secretary, Ministry of Labour & Employment addressed to the CPFC is enclosed. It emphasize on the coverage of all the Building & Other Constructions Workers to ensure that this coverage is complete. The following should be done immediately.
 - (i) Meetings should be held with Central Public Sector Undertakings which are functioning under your area in one or other way to ensure that all workers employed in the construction work are registered under UAN. Minutes of the meetings should be uploaded on the website and should be sent on email of CPFC as well as on the email of ACC(Compliance).
 - (ii) Meetings should be held with State PSUs and State Departments to ensure that all coverage of the construction workers takes place in respect of the workers working in these PSUs or departments including those deployed through contractors / sub-contractors. Minutes of these meetings be uploaded on the website and should be sent on email of CPFC as well as on the email of ACC(Compliance).
 - (iii) Meetings with all the Trade Unions representatives should be held to deliberate on the issues of coverage of construction workers and action should be taken as per law on the suggestions made by the union representatives. The minutes of the meetings and action taken report be uploaded on the website and should be sent on email of CPFC as well as on the email of ACC(Compliance).
 - (iv) All construction sites which are located in your regions/sub- regions be visited. Photographs be taken, especially when the work is going on. This must be

done in respect of the buildings where the area being constructed is 10,000 sq.ft. or more and in respect of other construction works also such as road, railways, laying pipe-lines, bridges etc. A library of such photographs should be maintained invariably and EPFO Head Office will come up with a website for keeping track of these photographs. These photographs are not for the sake of photographs but for coverage of all workers which are working on these sites.

- (v) You were directed through an earlier circular that you should guide all the employers having more than 500 or more workers which are engaging staff on outsourcing basis. The meetings of such employers having more than 500 employees in your zone should also be held and minutes of such meetings be uploaded on the website.

3. Principal employers be made liable to ensure compliance in respect of construction / other contractual workers deployed by them through contractors / sub contractors. It may also be impressed upon the principal employer that merely giving code numbers of contractors will not be suffice. To ensure compliance of construction workers engaged through contractors / sub contractors, they should not only ensure separate ECRs containing PF account numbers of their workers but also copies of wages / salary register and attendance register. Remittances of PF and ECRs should be verified by Principal employers from EPFO's website before releasing the bills to avoid manipulations / misappropriation of PF dues by their contractors / sub contractors.

4. Principal employers should also be advised to mention PF account number and UAN number on I-card of each worker. UAN numbers of all workers be got activated so that the workers can get their E-pass books and even know about deposit of PF by contractors last month alongwith PF balance just by giving a missed call from registered mobile

5. For the purpose of afore-said inspections standing permission is granted and matter should not be referred to seek permission from CAIU at Head Office

6. Action on these above points should be taken and a monthly report should be sent as to how much coverage of employees increased in your area. It needs to be ensured that such workers get the UAN so that he is entitled for portability benefits. Monthly report be submitted by 15th of the following month in enclosed performa by e-mail in excel format

(This issues with the approval of CPFC)

Yours faithfully,



(K.L. TANEJA)

Addl. Central PF Commissioner-I (Compliance)

Copy to:-

1. All ACC (Zones) for information and with a request to supervise the work of the Regions under their charge and to submit monthly report for their zones to H.O.
2. RPFC(NDC) for uploading on the website.
3. AD(OL) for Hindi version.

CASE LAW UPDATE



A person who has ultimate control over the affairs of the factory is the “occupier” of the factory. As per the provisions of section, 2 (n) of the Factories Act, 1948, in case a factory is owned or controlled by the Central/State Government or any local authority, the person(s) appointed to manage the affairs of the factory, by the Central/State Government or any local authority, shall be deemed to be occupier of that factory. Section 46 of the Factories Act, 1948 provides that it is the statutory responsibility of the occupier of a Factory to maintain a statutory canteen so long as the staff strength exceeds 250.

Supreme Court of India – Mohan Singh & Others Vs. The Chairman Railway Board & Others – 2015 LLR 1009

When Code Number is allotted to a contractor under the Employees’ Provident Fund Act, 1952, it becomes an establishment under section 2 (e) of the CLR Act. The Contractor having an independent code Number under the EPF Act, 1952, He is liable to pay EPF contributions in respect of employees whose salary is paid by him. Principle Employer is not liable to pay EPF contribution in respect of employees engaged through independent contractor who has been having an independent code Number under the EPF Act.

Punjab & Haryana High Court – Calcutta Constructions Company Vs. RPFC & others – 2015 – LLR 1023

When the relationship of employer – employee is missing, the provisions of Contract Labour (Regulation and Abolition) Act, 1970 would not apply. In the absence of relationship of employer – employee, the establishment would not fall in terms of “Establishment “ or “Contractor”.

Gujarat High Court – Bindeshwar Pathak Vs. State of Gujarat & Another – 2015 (146) FLR 545

Contractor and principal employer both are jointly and severally liable to satisfy the claim for compensation, as raised by the dependants / claimants of the deceased workman who was engaged by the contractor for carrying out construction work of the principal employer/appellant and died due to electric short circuit.

Bombay High Court – Nitin Vs. Ramesh & Others – 2015 (146) FLR 519

Milk Allowance being paid to each workman is a part of wages subject to ESI contribution since it does not fall within the category of sum paid “to defray special expenses entitled on the workman by nature of his employment”. Section 2 (9) of the Employees’ State Insurance Act, 1948, makes it clear that the wages include any kind of remunerations received out of a contract or as an adhoc payment for work done outside the contract including overtime, provided it is received at an intervals of not more than two months.

Calcutta High Court – Kesoram Industries Ltd., Vs. ESI Corporation & others – 2015 – LLR – 1087

When the workers of the contractors holding licence under the Contract Labour (R & A) Act, have been working at the premises of and for the principal employer, they will not become the employees of the principal employer.

Delhi High Court – Ranbir Singh & Another Vs. Ganga Ram Hospital – 2015 – LLR 1071

Out of 4 members of the Internal Complaints Committee, 3 are to be women and one from an NGO, an independent member altogether. One lady member is to be of senior level.

Allahabad High Court – Shobha Goswani Vs. State of U.P. & others – 2015 – LLR 1038

It is not necessary that the workman must be actually working at the time of injury or the accident. When the death, in fact, was not due to pre-existing disease from which he was suffering but on account of factors coupled with his employment including stress and strain of the work, it would be right to conclude that the death occurred as consequence of and in course of employment.

Karnataka High Court - M.D., State Road Transport Corpn., Vs. Jayalakshmi and Others – 2015 – LLR 1068

If the committee so constituted by the employer does not have a senior level woman officer to head the committee, action of the committee is to be disregarded or liable to be set aside. One member from amongst Non-Governmental organisation or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment is to be nominated. At least one half of the total members so nominated are required to be women.

Gujarat High Court – Shardaben Murlibhai Gurjar Vs. State of Gujarat & others – 2015 LLR 1095

Nominee is only to collect the amount for and on behalf of the legal representatives or for the benefit of the legal representatives of the deceased. Nominee has no right to appropriate the whole of the amount so collected unless he is sole legal representative or he is given a right to have testamentary succession on the basis of a valid will. Nominee has to disburse the amount, so collected, to the legal representatives of the deceased. If there is no valid will in his favour, he himself has no right to keep any share of the amount so collected by him under the Payment of Gratuity Act, 1972.

Kerala High Court – Alamelu Vs. Pushkala – 2015 LLR 1098



“if you have a strong commitment to your goals and dreams, if you wake up every day with a passion to do your job, everything is possible.”

--- Chantal Petitclerc



COMPLIANCE CHECKLIST

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 - 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

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

DUE DATE FOR FILLING OF RETURNS – 30.10.2015

ACT	FREQUENCY	DETAILS
LWF	Quarterly	Register of fines and unpaid accumulation - Form - C Return
E E Act	Quarterly	Form ER -1 To be Submitted to Local Employment Exchange
E E Act	Bi-Annual	Form ER -2 To be Submitted to Local Employment Exchange
S & E Act	Monthly	Copy of Form -S - for addition and deletion for the month to be send to the office of the Assistant Inspector of Labour and Inspector of Labour



V & M ASSOCIATES

(Advocates & Solicitors)

**NEW NO.13, OLD NO.7, FIRST FLOOR,
4TH MAIN ROAD, OFFICERS COLONY,
ADAMPAKKAM, CHENNAI 600 088**

PHONE: 044 – 4353 6455

E.mail: madhavs@vmlegalassociates.com

www.vmlegalassociates.com