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In this Issue

- News
- Changing Scenario
- Amendments & Notifications
- Case Laws
- Compliance Check List

ABOUT US

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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.

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Client Service is the foundation of our Law Associates Success and we value the relationships we build with our Clients

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We believe strongly in relationships and personal attentions are essential elements in delivering service excellence.

From the *desk*
of the *Editor*

ENTRY OF KAPALI DURING THE SEASON OF EXIT

Brexit, Rexit, Nexit, Mexit – just too many exits starts with **Britain, Rajan, Nikesh, Messy troubling EU, RBI, SoftBank&Argentina** . Like On line major Flipkart most of the I T Majors delay offer letters and the premier business schools keep few of the last year Blues with Red alert. The state of Tamil Nadu has allowed employees of IT companies to form trade unions, by bringing the sector under the ambit of the Industrial Disputes Act, 1947. What is really happening around the Corporate Eco System.....



It is true that Kabali pre release business is 200 Crs and expected to have Box collection of Rs.300 crs. Time to learn from the Silver Screen the magic of making gold. The marketing, positioning, branding and co branding especially trusting the One Man Performance. The Malaysian airline, Air Asia became an official partner for Kabali and certain Air Asia planes painted with a Kabali theme. The Indian financial company Muthoot FinCorp who is also an official partner of the film produced silver coins embossed with the image of actor as cast in the film. Its teaser trailer was released in April 2016 and went viral in Asia and gained 5 million views in less than 24 hours becoming the most viewed teaser in Asia. By 28 May, the Kabali teaser garnered 20 million views, making it one of the most watched Indian film teasers, and finally “Chennai, Bengaluru companies declare a holiday on July 22 on the day of release of Kabali”...

It is the time to review the list of Exit & the list of Entry in the company's High Performing Team and start identifying the ONE PERFORMER FOR US TO MAKE BETTER POSITIONING OF THE FUNCTION.

We at **V & M Associates** created a special desk to manage the exit support and would have great “**MAHIZHICHI**” to serve you all.



NOTIFICATIONS BY GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENT

Apprenticeship (Amendment) Rules 2011.

[G.O. Ms. No. 128, Labour and Employment (R2), 14th June 2016, மலர் 32, துள்முல், திருவள்ளூர் ஆண்டு-2047.]

No. SRO A-11/2016.—The following Notification of the Government of India Ministry of Labour & Employment, (Directorate General of Labour & Employment) New Delhi, the 23rd March 2011 is republished:—

G.S.R. 228(E)—In exercise of the powers conferred by sub-section (1) of Section 37 of the Apprentices Act, 1961 (52 of 1961) the Central Government after consulting the Central Apprenticeship Council, hereby makes the following rules further to amend the Apprenticeship Rules, 1992, namely:-

1. (1) These Rules may be called the Apprenticeship (Amendment) Rules, 2011.
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Apprenticeship Rules 1992, in rule 11, in sub-rule (2) for clauses (a), (b), (c), (d) and (e) and the entries relating thereto, the following shall be substituted, namely:-

(a)	Graduate Apprentices	..	Rs. 3560/-per month
(b)	Sandwich Course (Students from Degree Institutions)	..	Rs. 2530/-per month
(c)	Technician Apprentices	..	Rs. 2530/-per month
(d)	Sandwich Course (Students from Diploma Institutions)	..	Rs. 2070/-per month
(e)	Technician (Vocational) Apprentices	..	Rs. 1970/-per month

[F.NO. DGET-23(4)(3304)/2010-AP]

SHARDA PRASAD,
Director General/
Joint Secretary.

Note: The Principal rules were published in the Gazette of India vide Number G.S.R. 356, dated the 1st August 1992 and last amended vide Number G.S.R.838 (E), dated the 18th October 2010.

(By Order of the Governor)

KUMAR JAYANT,
Principal Secretary to Government.

Apprenticeship (Amendment) Rules 2014.

[G.O. Ms. No. 129, Labour and Employment (R2), 14th June 2016, மலர் 32, துள்முல், திருவள்ளூர் ஆண்டு-2047.]

No. SRO A-12/2016.—The following Notification of the Government of India Ministry of Labour & Employment, (Directorate General of Labour & Employment) New Delhi, the 19th December 2014 is republished:—

G.S.R. 910(E)—In exercise of the powers conferred by sub-section (1) of Section 37 of the Apprentices Act, 1961 (52 of 1961) the Central Government after consulting the Central Apprenticeship Council, hereby makes the following rules further to amend the Apprenticeship Rules, 1992, namely:-

July 6, 2016]

TAMIL NADU GOVERNMENT GAZETTE

31

1. (1) These rules may be called the Apprenticeship (Amendment) Rules, 2014.

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

2. In the Apprenticeship Rules 1992, in rule 11, in sub-rule (2) for clauses (a), (b), (c), (d) and (e) and the entries relating thereto, the following shall be substituted, namely:-

(a)	Graduate Apprentices	..	Rs. 4984/-per month
(b)	Sandwich Course (Students from Degree Institutions)	..	Rs. 3542/-per month
(c)	Technician Apprentices	..	Rs. 3542/-per month
(d)	Sandwich Course (Students from Diploma Institutions)	..	Rs. 2890/-per month
(e)	Technician (Vocational) Apprentices	..	Rs. 2758/-per month

[F.No. 6017-23(1)(2003)-AP]

ALOK KUMAR,
Director General/
Joint Secretary.

Note: The Principal rules were published in the Gazette of India Part-II—Section 3, Sub-Section (1) dated the 1st August, 1992 vide Notification Number G.S.R. 356, dated the 15th July 1992 and last amended vide Notification Number G.S.R.680 (E), dated the 22nd September 2014.

(By Order of the Governor)

KUMAR JAYANT,
Principal Secretary to Government.

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GOVERNMENT OF TAMIL NADU
2016

[Regd. No. TN/CCN/467/2012-14.
[R. Dis. No. 197/2009.
[Price: Re. 0.80 Paise.



No. 159]

CHENNAI, THURSDAY, JUNE 30, 2016
Aani 16, Thunmugi, Thiruvalluvar Aandu-2047

Part III—Section 1(a)

General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.

NOTIFICATIONS BY GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENT

DRAFT AMENDMENTS TO THE TAMIL NADU FACTORIES RULES, 1950.

[G.O. Ms. No. 144, Labour and Employment (M2), 30th June 2016, ஆனி 16, துன்முகி, திருவள்ளுவர் ஆண்டு-2047.]

No. SRO A-10(a-1)/2016.

The following draft amendments to the Tamil Nadu Factories Rules, 1950, which it is proposed to make in exercise of the powers conferred by Sections 6 and 112 of the Factories Act, 1948 (Central Act LXIII of 1948), is hereby published for information of all persons likely to be affected thereby as required by Section 115 of the said Act.

2. Notice is hereby given that the draft amendments will be taken into consideration after the expiry of forty five days from the date of publication of this Notification in the Tamil Nadu Government Gazette and that any objections or suggestions, which may be received from any person with respect thereto, before the aforesaid period of expiry, will be considered by the Government of Tamil Nadu. Objections and Suggestions, if any, should be addressed in duplicate to the Secretary to Government, Labour and Employment Department, Fort St. George, Chennai-600 009, through the Director of Industrial Safety and Health, No.35, Thiru.Vi.Ka.High Road, Chennai-600 014.

DRAFT AMENDMENTS

In the said Rules,—

(1) In rule 3, in sub-rule (3), for the expression "may accord the permission applied for:", the expression "shall accord the permission applied for within thirty days from the date of receipt of such application:", shall be substituted;

(2) In rule 4, in sub-rule (6), after the expression "Form No.4:", the expression "within thirty days from the date of receipt of application, referred to in sub-rule (2):", shall be inserted;

(3) In rule 7, in sub-rule (5), for the expression "The Deputy Chief Inspector of Factories may renew the licence:", the expression "The Deputy Chief Inspector of Factories shall renew the licence within thirty days from the date of receipt of application, referred to in sub-rule (2):", shall be substituted.

DRAFT AMENDMENTS TO THE TAMIL NADU CONTRACT LABOUR (REGULATION AND ABOLITION) RULES, 1975.

[G.O. Ms. No. 145, Labour and Employment (H1), 30th June 2016, ஆணி 16, தஞ்சாவூர், திருவள்ளூர் ஆண்டு-2016.]

No. SRO A-10(a-2)/2016.

The following draft amendments to the Tamil Nadu Contract Labour (Regulation and Abolition) Rules, 1975, which it is proposed to make in exercise of the powers conferred by Section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), is hereby published to information to all persons likely to be affected thereby as required by sub-section (1) of the said Section 35 of the said Act.

2. Notice is hereby given that the draft amendments will be taken into consideration on or after the expiry of the period of one month from the date of publication of this Notification in the Tamil Nadu Government Gazette and that any objections or suggestion which may be received from any person with respect thereto, before the expiry of the aforesaid period will be considered by the Government of Tamil Nadu. Objection or suggestion, if any, should be addressed to the Secretary to Government, Labour and Employment Department, Secretariat, Chennai-600 009 through the Commissioner of Labour, Chennai-600 006.

DRAFT AMENDMENTS.

In the said Rules,—

(1) In rule 18, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) The registering officer shall grant Certificate of registration under sub-section (2) of Section 7 in Form II, within thirty days from the date of receipt of such application referred to in sub-rule (1) of rule 17.”;

(2) In rule 23, in sub-rule (2), for the words “sixty days” the words “thirty days” shall be substituted.

P. AMUDHA,
Secretary to Government.

Email: rpfc.coordination@epfindia.gov.in

Tel: 011-26175914

Fax: 011-26177827



कर्मचारी भविष्य निधि संगठन
(श्रम मंत्रालय भारत सरकार)

Through Web Circulation only

Employees' Provident Fund Organisation
(Ministry of Labour, Govt. Of India)

मुख्य कार्यालय/Head Quarters

भविष्य निधि भवन, 14-भीकाजी कामाप्लेस, नई दिल्ली-110066

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

www.epfindia.gov.in; www.epfindia.nic.in

No.Coord/3(1)2015/Amendment Scheme/ 19108

Dated: 28.06.2016

To

29 JUN 2016

All Addl. CPFCs (Zones),
All Regional P.F.Commissioners, I & II
In-charge of Regions/SRO,

Subject : Copy of Gazette Notification No.G.S.R.603 (E) dated 16.06.2016 for continuation of minimum pension beyond 31.03.2015 in EPS, 1995 - regarding.

Sir/Madam,

Please find enclosed herewith a copy of Gazette notification No.G.S.R.603 (E) dated 16.06.2016 for continuation of minimum pension beyond 31.03.2015 in EPS, 1995 for information and necessary action.

Yours faithfully,

Enclosure: As above.

(Aprajita Jaggi)

Regional P. F. Commissioner-I (Coordination)

Copy for information & necessary action to:

1. ACC (HO) (RB)/ACC (HO) HR/FA&CAO/CVO.

2016 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF LABOUR AND EMPLOYMENT
NOTIFICATION

New Delhi, the 16th June, 2016.

G.S.R. 603(E).—In exercise of the 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 (Fourth Amendment) Scheme, 2016.
- (2) It shall come into force with effect from the 1st day of April, 2015.
2. In the Employees' Pension Scheme, 1995 (hereinafter referred to as the principal scheme), in paragraph 12,-
 - (a) in sub-paragraph (7A)-
 - (i) the words and figures "for the financial year 2014-15" occurring at the end shall be omitted;
 - (ii) the following proviso shall be inserted, namely:-
"Provided that, on and from the 1st day of September, 2014, the minimum pension of one thousand rupees payable under this sub-paragraph shall be subject to-
 - (i) deductions on account of benefits of commutation and return of capital taken by members under the extant provisions of this scheme prior to 26th September, 2008; and
 - (ii) deductions on account of early pension under sub-paragraph (7)."
3. In the principal scheme, in paragraph 16,-
 - (A) in sub-paragraph (2), in clause (a), in sub-clause (v), the words and figures "for the financial year 2014-15" shall be omitted;
 - (B) in sub-paragraph (3), in the proviso to clause (b), the words and figures "for the financial year 2014-15" shall be omitted;
 - (C) in sub-paragraph (4), in the proviso to clause (a), the words and figures "for the financial year 2014-15" shall be omitted.

[No. R-15025/3/2007-SS-II (Vol-II)(Pl.II)]
MANISH GUPTA, Jt. Secy.

Note : The Employees' Pension Scheme, 1995 was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section(i) vide notification number G.S.R. 748(E) dated 16th November, 1995 and was lastly amended vide notification No. G.S.R. 533(E) dated the 19th May, 2016.

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Fax: 011-26177827



कर्मचारी भविष्य निधि संगठन
(श्रम मंत्रालय भारत सरकार)

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Employees' Provident Fund Organisation
(Ministry of Labour, Govt. Of India)

मुख्य कार्यालय / Head Quarters

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

www.epfindia.gov.in; www.epfindia.nic.in

No.Coord/3(1)2015/Amendment Scheme/ 9107

Dated: 28.06.2016

To

29 JUN 2016

All Addl. CPFCs (Zones),
All Regional P.F.Commissioners, I & II
In-charge of Regions/SRO,

Subject : Copy of Gazette Notification No.G.S.R.604 (E) dated 16.06.2016 for rescission of notification No.GSR158 (E) dated 10.02.2016 - regarding.

Sir/Madam,

Please find enclosed herewith a copy of Gazette notification No.G.S.R.604 (E) dated 16.06.2016 for rescission of notification No.GSR158 (E) dated 10.02.2016 for information and necessary action.

Yours faithfully,

Enclosure: As above.

(Aprajita Jaggi)

Regional P. F. Commissioner –I (Coordination)

सं. 416]

नई दिल्ली, बृहस्पतिवार, जून 16, 2016/ज्येष्ठ 26, 1938

No. 416]

NEW DELHI, THURSDAY, JUNE 16, 2016/JYAISTHA 26, 1938

श्रम और रोजगार मंत्रालय

अधिसूचना

नई दिल्ली, 16 जून, 2016

सा.का.नि. 604(अ).—केन्द्रीय सरकार, कर्मचारी भविष्य-निधि और प्रतीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 7 की उपधारा (1) के साथ पठित धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह समाधान होने पर कि ऐसा करना लोकहित में आवश्यक है, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में प्रकाशित भारत सरकार के श्रम और रोजगार मंत्रालय की अधिसूचना सा.का.नि. संख्यांक 158(अ), तारीख 10 फरवरी, 2016 को उन बातों के सिवाय जिन्हें ऐसे विखंडन से पूर्व किया गया है या करने का लोप किया गया है विखंडित करती है।

[फा. सं. एस-35012/5/2015-एसएस-2]

मनीष गुप्ता, संयुक्त सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 16th June, 2016

G.S.R. 604(E).—In exercise of the powers conferred by section 5 read with sub-section (1) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby rescinds the notification of the Government of India in the Ministry of Labour and Employment published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) number G.S.R. 158 (E), dated the 10th of February, 2016, except as respects things done or omitted to have been done before such rescission.

[F. No. S-35012/5/2015-SS-II]

MANISH GUPTA, Jt. Secy.

3062 GI/2016

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2016

[PRICE: RS. 3.20 PAISE.]



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 163]

CHENNAI, MONDAY, JULY 4, 2016
Aani 20, Thunmugi, Thiruvalluvar Aandu-2047

Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the President on the 28th June 2016 and is hereby published for general information:-

ACT No. 11 OF 2016.

An Act further to amend the Industrial Employment (Standing Orders) Act, 1946 in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Employment (Standing Orders) Tamil Nadu Amendment Act, 2008.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Central Act XX
of 1946.

2. For the long title to the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as the principal Act), the following shall be substituted, namely:—

Amendment of
long title.

"An Act to provide for defining with sufficient precision certain conditions of employment in industrial establishments in the State of Tamil Nadu."

Amendment of
preamble.

3. For the preamble to the principal Act, the following shall be substituted, namely:—

"Whereas it is expedient to provide for defining with sufficient precision certain conditions of employment in industrial establishments in the State of Tamil Nadu and for certain other matters."

Amendment of
section 2.

4. In section 2 of the principal Act,—

(1) for clause (a), the following clauses shall be substituted, namely:—

"(a) "amendments" means, in relation to the model standing orders, any amendments proposed to such orders under section 3 and includes any alterations, variations or additions proposed thereto;

(aa) "appellate authority" means an authority appointed by the appropriate Government by notification in the Official Gazette to exercise in such area as may be specified in the notification the functions of an appellate authority under this Act;

Provided that in relation to an appeal pending before an Industrial Court or other authority immediately before the commencement of the Industrial Employment (Standing Orders) Amendment Act, 1963, that Court or authority shall be deemed to be the appellate authority;"

(2) in clause (d), for sub-clause (III), the following sub-clause shall be substituted, namely:—

"(III) In any other industrial establishment,—

(a) any person responsible to the owner for the supervision and control of the industrial establishment;

(b) where a person who, for the purpose of fulfilling a contract with the owner of the industrial establishment, employs workmen on the premises of the establishment for the execution of the whole or any part of any work which is ordinarily part of such establishment then, in relation to such workmen, the owner of the industrial establishment;"

(3) in clause (e), sub-clause (iv) shall be omitted;

(4) after clause (e), the following clauses shall be inserted, namely:—

"(ee) "model standing orders" means standing orders made under section 15;

(eee) "modification" includes, in relation to a standing order, any alteration, variation, addition or deletion in, or to, such order;"

Insertion of
new section
2-A.

5. After section 2 of the principal Act, the following section shall be inserted, namely:—

"2-A. Application of model standing order to every industrial establishment.—(1) Where this Act applies to an industrial establishment, the model standing order for every matter set out in the Schedule applicable to such establishment shall apply to such establishment from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf:

Provided that nothing in this section shall be deemed to affect any standing orders which are finally certified under this Act and have come into operation under this Act in respect of any industrial establishment before the date of the coming into force of the Industrial Employment (Standing Orders)

Tamil Nadu Amendment Act, 2008 except those provisions which are inconsistent with the model standing orders:

Provided further that, notwithstanding anything contained in the proviso, any modification made to the model standing orders in respect of the existing matters in the Schedule or model standing orders made in respect of additional matters included in the Schedule after the coming into force of the Industrial Employment (Standing Orders) Tamil Nadu Amendment Act, 2008 shall, apply in relation to such workmen in the establishments referred to in the said proviso from such date as the State Government may, by notification in the Official Gazette, appoint in this behalf.*

6. In section 3 of the principal Act,—

Amendment of
section 3

(1) for the marginal heading, the marginal heading "Submission of amendments" shall be substituted;

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

"(1) Within six months from the date on which the model standing orders apply to any industrial establishment under section 2-A, the employer or any workmen employed therein may submit to the Certifying Officer five copies of the draft amendments for adoption in such industrial establishment:

Provided that no amendment which provides for the deletion or omission of any rule in the model standing orders relating to any matter set out in the Schedule shall be submitted under this section.;"

(3) sub-section (2) shall be omitted;

(4) in sub-section (3), for the expression "draft standing orders", the expression "draft amendments" shall be substituted;

(5) in sub-section (4), for the expression "draft of standing orders", the expression "draft of amendments" shall be substituted.

7. Section 4 of the principal Act shall be omitted.

Omission of
section 4.

8. In section 5 of the principal Act,—

Amendment of
section 5.

(1) in the marginal heading, for the expression "standing orders", the expression "amendments" shall be substituted;

(2) in sub-section (1), for the expression beginning with the words "to the workmen" and ending with the words "the draft standing orders", the expression "to the workmen in such manner as may be prescribed or to the employer, as the case may be, together with a notice in the prescribed form requiring objections, if any, which the workmen or employer may desire to make to the draft amendments" shall be substituted;

(3) in sub-section (2),—

(a) for the expression "After giving the employer", the expression "After giving the employer, the workmen submitting the amendments" shall be substituted;

(b) for the expression "or addition to the draft submitted by the employer is necessary to render the draft standing orders certifiable under this

Act", the expression "the draft submitted under sub-section (1) of section 3 is necessary" shall be substituted;

(4) In sub-section (3),—

(a) for the expression "certify the draft standing orders", the expression "certify the draft amendments" shall be substituted;

(b) for the expression "certified standing orders", the expression "model standing orders together with copies of the certified amendments thereof" shall be substituted;

(c) for the expression "to the employer", the expression "to the employer, the workmen who submitted the amendments" shall be substituted.

Amendment of section 6.

9. In section 6 of the principal Act,—

(1) In sub-section (1), for the expression beginning with the words "confirm the standing orders" and ending with the words "certifiable under this Act", the expression "confirm the amendments either in the form certified by the Certifying Officer or after further modifying the same as the appellate authority thinks necessary" shall be substituted;

(2) In sub-section (2),—

(a) for the expression "to the employer", the expression "to the employer, the workmen" shall be substituted;

(b) for the expression "unless it has confirmed without amendment the standing orders as certified by the Certifying Officer, by copies of the standing orders", the expression "unless it has confirmed without further modifications the amendments as certified by the Certifying Officer, by copies of the model standing orders together with the amendments" shall be substituted.

Amendment of section 7.

10. In section 7 of the principal Act and in the marginal heading thereto, after the expression "standing orders", the expression "or amendments" shall be inserted.

Amendment of section 8.

11. In section 8 of the principal Act,—

(1) In the marginal heading, after the expression "standing orders", the expression "and model standing orders together with all certified amendments" shall be inserted;

(2) after the expression "all standing orders", the expression "or model standing orders together with all the amendments" shall be inserted.

Amendment of section 9.

12. In section 9 of the principal Act,—

(1) In the marginal heading, after the expression "standing orders", the expression "and model standing orders together with all certified amendments" shall be inserted;

(2) after the expression "The text of the standing orders", the expression "or model standing orders together with all the amendments" shall be inserted.

Amendment of section 10.

13. In section 10 of the principal Act,—

(1) In sub-section (1),—

(a) after the expression "standing orders" occurring in two places, the expression "or the amendments" shall be inserted;

(b) after the expression "came into operation", the following shall be added, namely:—

"and where model standing orders have not been amended as aforesaid, the model standing orders shall not be liable to such modification until the expiry of one year from the date on which they were applied under section 2-A";

(2) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Subject to the provisions of sub-section (1), an employer, workmen or any prescribed representatives of workmen desiring to modify the standing orders or the model standing orders together with the amendments, as finally certified under this Act, or the model standing orders applied under section 2-A, as the case may be, shall make an application to the Certifying Officer in that behalf, and such application shall be accompanied by five copies of the standing orders, or the model standing orders, together with all amendments thereto as certified under this Act or model standing orders in which shall be indicated the modifications proposed to be made and where such modifications are proposed to be made by agreement between the employer and workmen, a certified copy of the agreement shall be filed along with the application.";

(3) In sub-section (3), for the expression "standing orders", the expression "amendments" shall be substituted.

14. In section 12 of the principal Act,—

Amendment of section 12.

(1) In the marginal heading, for the expression "standing orders", the expression "standing orders, etc.," shall be substituted;

(2) for the expression "standing orders as finally certified under this Act", the expression "standing orders or the model standing orders, or model standing orders with all the amendments as finally certified under this Act, as the case may be," shall be substituted.

15. In section 12-A of the principal Act, in sub-section (2), after the expression "or the Government of State of Maharashtra", the expression "or the Government of State of Tamil Nadu" shall be added.

Amendment of section 12-A.

16. In section 13 of the principal Act,—

Amendment of section 13.

(1) In sub-section (1), for the expression "who fails to submit draft standing orders as required by section 3, or who modifies his standing orders otherwise than in accordance with section 10, shall be punishable", the expression "who modifies the standing orders, model standing orders or amendments otherwise than in accordance with the provisions of this Act shall, on conviction, be punished" shall be substituted;

(2) In sub-section (2), for the expression "the standing orders finally certified under this Act for his industrial establishment shall be punishable", the expression "the standing orders, model standing orders or the amendments, as finally certified under this Act for his industrial establishment, as the case may be, shall, on conviction, be punished" shall be substituted;

(3) after sub-section (2), the following sub-sections shall be inserted, namely:—

"(2-A) Whoever contravenes the provisions of this Act or of any rule made thereunder in cases other than those falling under sub-section (1) or sub-section (2) shall, on conviction, be punished with fine which may extend to one hundred rupees and in the event of such person being previously

convicted of an offence under this Act, with fine which may extend to two hundred rupees and in the case of a continuing offence with a further fine which may extend to twenty-five rupees for every day during which the offence continues.

(2-B) The Court convicting an employer under sub-section (1) or sub-section (2) may direct such employer to pay such compensation as it may determine to any workman directly and adversely affected by the modifications or contravention of the standing orders, model standing orders or amendments, as the case may be.

(2-C) The compensation awarded under sub-section (2-B) may be recovered as if it were a fine and if it cannot be so recovered, the person by whom it is payable shall be sentenced to imprisonment of either description for a term not exceeding three months as the Court thinks fit."

Amendment of
section 13-A.

17. In section 13-A of the principal Act,—

(1) In the marginal heading, after the expression "standing orders", the expression "model standing orders or amendments" shall be inserted;

(2) after the expression "standing order", the expression "model standing order or amendment" shall be inserted.

Amendment of
section 15.

18. In section 15 of the principal Act, in sub-section (2),—

(1) In clause (a), after the expression "standing orders", the expression "or amendments" shall be inserted;

(2) In clause (d), for the expression "copies of standing orders entered in the register of standing orders", the expression "copies of standing orders or model standing orders together with all the amendments filed in the register under section 8" shall be substituted.

Amendment of
Schedule.

19. In the Schedule to the principal Act,—

(1) In the heading,—

(a) for the expression "sections 2 (g) and 3 (2)", the expression "section 2-A" shall be substituted;

(b) for the expression "Standing Orders", the expression "Standing Orders, model standing orders and amendments" shall be substituted;

(2) after item 10, the following items shall be inserted, namely:—

"10-A. Employment or re-employment of apprentices, probationers or badlies or temporary or casual workmen, and their conditions of service.

10-B. Fixation of number or percentage of apprentices, probationers or badlies or temporary or casual workmen employed with reference to the total number of workmen employed in that industrial establishment."

(By order of the Governor)

S. S. POOVALINGAM,
Secretary to Government - In-charge,
Law Department.

CASE LAW UPDATE



After receiving the VRS compensation, if the workmen want to challenge the same by raising an individual dispute, they have to deposit the amount received towards VRS.

Supreme Court of India - Reliance Industries Limited Vs. Rajibhai Bhikhabhai Parmar & Others - 2016 - LLR - 673

Employees of contractors, having separate legal entity, cannot claim benefits equal to that of the regular employees of the principal employer. Rights and obligations of the employees of the Contractor, having separate legal entity, can only be determined in terms of their contract with the contractor.

Calcutta High Court - Indian Iron and Steel Company Ltd., Vs. State of West Bengal & others - 2016 - LLR - 757

Non providing overtime slip, leave book in Form, to the workmen is an offence attracting penalty and imprisonment. The omission or commission of the statutory breach is itself the offence.

Supreme Court of India - Hemant Madhusudan Nerurkar Vs. State of Jharkhand and Another - 2016 - LLR - 673

Absence from duty by a workman without intimation to his employer is a grave and serious misconduct attracting punishment of dismissal. Absence from duty even due to illness including having met with an accident thereby receiving multi-fractures, without sending an intimation to the employer in due course is a grave and serious misconduct, attracting punishment of dismissal.

Calcutta High Court - Dayanand Paswan Vs. Coal India Ltd., - 2016 - LLR -

Labour court was not justified to interfere with the punishment of dismissal of the workman who has been guilty of abusing the superior, when the misconducts have been proved in the enquiry, as such, his reinstatement as awarded is liable to be set aside.

Gujarat High Court - Nugen Machineries Ltd., Vs. Minal Goswami and Aother - 2016 - LLR 708

Any person who is involved in the work of the establishment, directly or indirectly and getting wages will be termed as an "employee" under the Act. The EPF Act is applicable even in respect of "home workers" engaged through contractors.

Orissa High Court - Ram Chandra Omkar Lal Vs. Asst. P.F. Commissioner - 2016 - LLR - 767

Labour court has rightly declined any relief to the petitioner since he was only a daily wager and has not completed 240 day's service before his alleged termination.

Himachal Pradesh High Court - Surrender Kumar Vs. State of Himachal Pradesh & another - 2016 - LLR - 713

When the canteen premises given to the third party is free of cost, the principal employer is not liable to pay EPF contributions in respect of employees engaged by the third party for running of the canteen independently.

Kerala High Court - Regional Cancer Centre Vs. Employees' PF Appellate Tribunal & Another - 2016 - LLR 765

Order of dismissal of services of an employee is not liable to be quashed only on the basis of non-payment of subsistence allowance during the suspension period if the delinquent employee has failed to prove any prejudice caused to him by such a non-payment.

Kerala High Court - Karuppan Vs. Central Government industrial Tribunal - cum Labour Court, Kochi & Another - 2016



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

IMPORTANT ANNOUNCEMENT

QUARTERLY / HALF-YEARLY RETURNS SUBMISSION

IT, ITES & Software Establishments [Due Date – 31st JUL 2016]

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	Min Wages	Half Yearly	Self-Certification For Minimum Wages - Form XII
4	C.P.S.W.Act	Half Yearly	Annual return /Half yearly - Form 2
5	P.S.A.Act	Half Yearly	Annual return /Half yearly - Form 2
6	M.B.Act	Half Yearly	Self-Certification Half Yearly Return - Form L
7	P.W. Act	Half Yearly	Self-Certification for Payment of Wages - Form VIII
8	GRA.Act	Half Yearly	Self-Certification Half Yearly Return - Form V
9	CLRA Act	Half Yearly	Self-Certification - Half Yearly Return - Form XXX

Commercial Establishments (Trading & Marketing) – [Due Date – 31st JUL 2016]

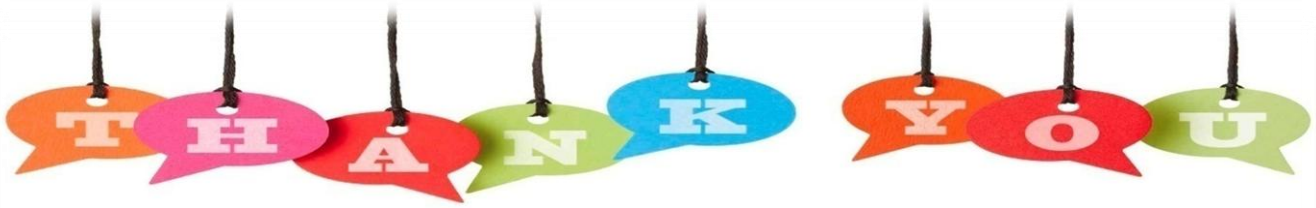
S.No	Act	Frequency	Principle Employer
1	S & E Act	As And When	Notice of Daily Hours of Work, Rest Interval Weekly Holiday - Form S
2	C.P.S.W.Act	Half Yearly	Annual return /Half yearly - Form No. 2
3	P.S.A.Act	Half Yearly	Annual return /Half yearly - Form 2

For Factories – [Due Date – 31st JUL 2016]

S.No	Act	Frequency	Principle Employer
1	LWF	Quarterly	Register of fines and unpaid accumulation - Form C
2	C.P.S.W.Act	Half Yearly	Annual return /Half yearly - Form No. 2
3	P.S.A.Act	Half Yearly	Annual return /Half yearly - Form 2

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