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Editorial Board

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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.

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.





An appeal to create Protocol for Verifying Compliance with Reliability Requirements in accordance with the new amendments

It's the right time for all the **Practicing Managers/ Business Leaders** to understand that they need to call for a “**Procedural Signal**” of **save the soul** of corporate through proper documentations and compliances since the first quarter of the current financial year started with left over sets of absolute uncertainties. Be it the conviction order of super power political leader or the arrest & extraction of yester years “Entrepreneur of the Era” leaving Administrative fear and the change with regard to U K Visa restrictions, cut down in H 1 B, increase in minimum wages and much awaited post Brexit poll in Britain in June to watch the performance of Ms. May adding economic panic in International Business scenario. Besides it is also essential to note that the domestic changes in most of the Labour legislations, Major taxation models append new complexities in day to day compliances.

It is also important for the Practicing Managers & Business leaders to note that the arrests of CEO of Stayzilla, M D of Casa Grande and FIR against CEO of Sanpdeal due to some inappropriate documentations and call for high prioritization of legal compliances and proper documentation in place to ensure every transactions goes with suitable adherence to avoid such disaster, which not only lead to financial issues and also to an uncertain “future business shock”.

It is an art for every Practicing Managers to balance the ground realities like India is the 4th Largest Aviation Market and also Jet airways Union boycott the expart pilots, TCS – Carnegie Mellon join hands to herald 4th Industrial revaluation, when the IT industry hiring drops, when online start ups are in trouble Flipkart make the biggest acquisition of eBay for 1.4 Billion USD, these are clear indications of threat & opportunities for the Business Leaders to move towards pattern or set a trend of their own.

It's the “high time” for the corporate to create Protocol for Verifying Compliance with Reliability Requirements in accordance with the new amendments and identify a dedicated professional service firms like **V & M Associates** to ensure adherences in place and stay focused on the new Goals. We at **V & M Associates** designed a desk to assist every size of your operations with an absolute cultural blend at an affordable cost. All that we at **V & M Associates** make an appeal to the Practicing Managers / Business leaders to make use of the opportunities and stay focused on your performance priorities.

Wish all the Practicing Managers & Business Leaders a “High Performing” year ahead.

*Happy Reading,
Kalidasan.GK
Chief Editor*

PRESS RELEASE

Now, you can withdraw 90% of PF savings for buying flat, land

However, you need to find at least nine other EPF account holders who are also part of a cooperative society through which you intend to purchase a flat or land parcel

You can now leverage up to 90% of your retirement savings parked in the Employees' Provident Fund (EPF) account to have a house of your own.

Under the new rules notified by the government, EPF members can make a one-time withdrawal or use their PF savings to make installment payments for buying a flat or a tract of land to construct a house.

For this new enabling provision to be effective, however, you need to find at least nine other EPF account holders who are also part of a cooperative society through which you intend to purchase a flat or land parcel. The society must be registered under any law, says a notification issued by the Union Ministry for Labour and Employment on April 12.

“The move is a step forward towards the Prime Minister’s goal of ‘Housing for All’ by 2022,” Labour Minister Bandaru Dattatreya told *The Hindu*. “It will benefit at least four crore EPF subscribers who can easily make use of their savings to build a flat for themselves by forming cooperative societies.”

Previously, employees who have completed five years of service were allowed to withdraw Provident Fund savings equivalent to 36 months of their salary (basic salary and dearness allowance) for the construction of a flat or 24 months of the salary for purchasing land.

Central Provident Fund Commissioner V.P. Joy said in January that the existing provisions were not being utilised ‘properly to withdraw money for constructing flats or buying land.’

The notification said that EPF members can withdraw their savings to “purchase a dwelling house or a flat, including a flat in a building owned jointly with others, outright or on hire-purchase basis, or for the construction of a dwelling house, including the acquisition of a suitable site for the purpose.”

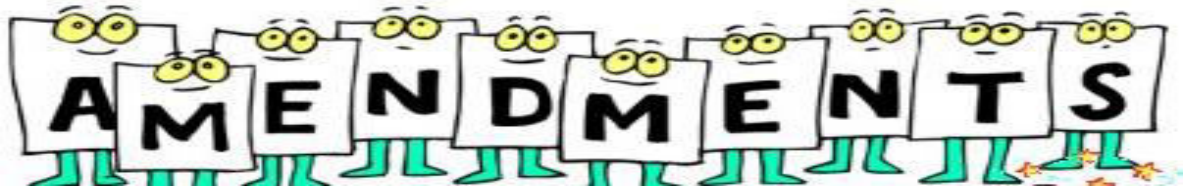
Repayment of loans

Employees with at least three years’ subscription to the EPF scheme will be allowed to withdraw their savings for housing purposes, including repayment of housing loans from their monthly contributions.

“In addition to lumpsum withdrawal of up to 90% of accumulations in provident fund accounts, members may opt for full or part repayment of loans out of monthly PF contribution also,” a directive issued by the EPFO headquarters to all its regional provident fund commissioners on April 21 said.

Further, the EPFO will make the payment for constructing flats or buying land directly to the cooperative society, housing agency or builders and not to the EPF subscribers.

In case the EPF subscriber fails to get the flat constructed due to some reasons, she will be liable to ensure that the withdrawn EPF savings is refunded into their provident fund account within 15 days “of such cancellation or non-allotment.”



Factories Act Amendment: Guidelines for the employment of women in night shifts – Regarding

[Factories%20Act%20Amendment%20guidelines%20for%20women%20employees%20working%20Night%20shift.pdf](#)

In EPFO No Advance shall be granted to the Member unless he produces a Self –Declaration - Regarding

[PF%20Amendment%20-%20Advance%20withdrwal%20Declaration%20Required.pdf](#)

The ESIC has changed the last date to make ESIC contributions to 15th every month. – Regarding (Draft Rule)

[Notification ESI Draft Rules Payment Amendment 1%20April%202017-1.pdf](#)

The ESIC Mandatory Annual Preventive Health Checkup for above 40 Years of ESIC insured persons With effect from 1st April 2017 – Regarding.

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/04/Health-Checkup-ESIC.pdf>

Obtaining of Consent for authentication from the beneficiaries before Aadhaar authentication – Regarding.

[Aadhar%20-%20Authentication%20from%20beneficiaries.pdf](#)

The ESIC to Extend the Spree Scheme from 01.04.2017 to 30.06.2017 – Regarding

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/04/Spree-Scheme-ESIC-.pdf>

Under Employee Compensation Act Every employer shall immediately at the time of employment of an employee, inform the employee of his rights to compensation under this Act, in writing as well as through electronic means, in English or Hindi or in the official language of the area of employment, as may be understood by the employee. – Regarding

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/04/Employees-Compensation-Amendment-Act-2017.pdf>

Maternity Benefit (Amendment) bill 2016 - FAQ for clarification on Amended Bill.

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/04/Opinion-on-Maternity-Benefit-Act-Notification.pdf>



Insurer of the offending vehicle is liable to pay compensation to the dependants of the deceased employment upon the vehicle irrespective of the fact that the vehicle has been sold by the owner to someone else.

Supreme Court of India – BabbuMiyani and Another Vs. New India Assurance Co., Ltd., 2017 – LLR – 338

All remuneration capable of being expressed in terms of money, payable to employees consisting of basic wages, dearness and other allowances are to constitute “minimum wages”. Where the employer is paying a total sum which is higher than minimum rates of wages fixed under the Act including the cost of living index (VDA), claim demanding VDA or such other benefit separately, is not sustainable.

Bombay High Court - Polypharma Pvt. Ltd., Vs. Shri Rangnath S. Iyer – 2017 – LLR 343

Cess is applicable upon the work of building structure, done before obtaining registration under the Factories Act or Mines Act. If registration under Factories Act is obtained, labour cess is not applicable from the date of registration.

Bombay High Court – Wardha Power Company Ltd., Vs. The State of Maharashtra Dept., of Labour & Others – 2017 – LLR – 339

Claimant could claim compensation under Employees’ Compensation Act, 1923 from the respondents on account of deceased employee, only if the claimant proves to be dependent upon the deceased employee.

Himachal Pradesh High Court – Kumari Reena Vs. Heera Nand and Another – 2017 – LLR – 401.

Full opportunity was given to both the parties to lead evidence, and quantum of punishment is a major penalty, i.e. reduction to a lower state by two stages with cumulative effect is a major penalty, not disproportionate to the gravity of misconduct shocking to the conscience of the Court.

Bombay High Court – Vidya Akhane Vs. Union of India, Dept., of Women and Children & Others – 2017 – LLR - 357

The High Court, under Article 226 of the Constitution of India, can exercise its power even in case of availability of alternative remedy if the order of lower court is without any jurisdiction or against statutory provision or if there is violation of fundamental right of the petitioner.

Madras High Court – Rajasekaran Vs. Presiding Officer, Tribunal-cum-Labour Court, Chennai – 2017 (152) FLR - 527

The onus to prove that the workman had completed 240 days of service in a calendar year preceding the date of retrenchment is on the workman by way of cogent evidence. If the workman fails to place on record any cogent evidence that while terminating his services, person junior to him in the same category was retained, the provisions of Section 25G of the ID Act, 1947, are not attracted.

Rajasthan High Court – Paritosh Marble Sukher Vs. Judge, Industrial Tribunal-cum-Labour Court – Udaipur – 2017 – (152) – FLR 413.



Mere Submitting the leave application does not create any right to the employee that his leave has been sanctioned when as per standing order the requirement is that an employee shall not absent himself from his duties without having first obtained the permission from the Authority. Removal from service of the employee who is found guilty or absence from duty without sanctioned leave, for a very long period, is justified.

Delhi High Court – Delhi Transport Corporation Vs. Rajender Kumar – 2017 LLR 390

Termination of services of a workman who has put service for 240 days or more during the preceding 12 Calendar months without making compliance of Section 25F of the ID Act, 1947 is illegal. Termination of services of a workman without compliance of section 25-F of the ID Act, 1947, would attract reinstatement with back wages.

Punjab and Haryana High Court – Medical Officer and Another Vs. GiridhariLal and Another – 2017 – LLR – 408

Resignation after its acceptance by the competent authority cannot be withdrawn in the absence of statutory provision providing for the same.

Punjab and Haryana High Court –Jagair Singh Vs. Registrar General and Another – 2017 – LLR – 416

Termination of services of a daily wager without giving retrench notice and retrenchment Compensation is illegal attracting reinstatement with back wages. Non-compliance of service of retrenchment notice or paying compensation in lieu thereof while terminating the services of a workman is illegal.

Delhi High Court – M.T.N.L Vs. Brahamjeet–2017 LLR - 422



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

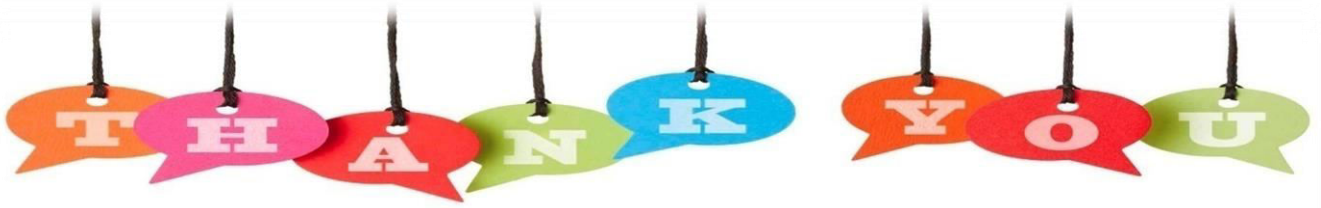
23	MA.NO.BO	ONGOING	Abstract of the Maternity Benefit Act – FORM - J
24	S & E Act	ONGOING	Notice of Daily Hours of Work, Rest Interval Weekly Holiday – FORM - S
25	GRA. NO. BO	ONGOING	Abstract of the Gratuity Act – FORM - U
26	P.W.NO.BO	ONGOING	Abstract of the Payment of Wages Act - FORM - V
27	M.W. 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

Monthly Return [Due Date – 31st May 2017]

S.No	Act	Frequency	Principle Employer
1	SE Act	Monthly	To be Submitted Form - S to the Labour Department as and when any change in the employees strength

Disclaimer

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