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Editorial Board

S.S.MADHAVAN, M.A., MBA., BL.,

R.R.RAVINDARAN, M.A., MBA., BL.,

P.NEHRU, B.SC., BL.,



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.





FEB 2017 – SHORT MONTH BUT LONG TIME OF OUR LIFE.....

February is the second month of the year started with the sweeping executive order that dramatically upended US immigration, likely to have great impact of Indian Economy. Before even we realize and set the International Business plans in order the domestic eruption followed with the bombshell of Tamil Nadu CM dropped that he was forced & humiliated to resign.

Subsequent drama of 122 Legislative members self claimed confinement and words of war in the name of democracy, finally brought an end by an Apex court Order closing the two decade corruption charges on confirming the convictions of the prospective Chief Minister...just reached an end through a selection of new CM for the state on the principle of Majority makes the Democracy the matters got settled.

The Increase in minimum wages and decrease in visa approval lading to the unbalanced business economics of Major IT Industry. Before even we complete the celebrations of one of the successful managers moved from rank and file to the level of Chairman in TCS the biggest storm of Corporate Governance had been the discussion with an another I T Major Infosys, followed by the announcement of biggest buy back of TCS to an extend of 16000 Crs and the realignment of CTS.

Though there had been some biggest announcement of Havells takeover of Lloyd's consumer division and the aborted bid of Unilever by Kraft Heinz for an amount of 143 Billion USD. Even the month got closed with the confusion of La La Land or Moonlight at Oscars.

In such hyper dynamic circumstances it would be highly difficult for the practicing managers to provide impact analysis and other planning facilitations, since every transaction in the eco system affects the subsystem driven by the managers. In order to facilitate and reinsure the success of managers we at V & M Associates designed a Business Plan Help Desk to provide necessary assistance for the corporate houses to have sustainable BP meet during this Q4.

**Happy Reading,
Kalidasan.GK
Chief Editor**

PRESS RELEASE

EPFO, Head Office,

13th February 2017

EPFO launched Employees Enrolment Campaign 2017 offering opportunity to the employers to voluntarily declare details of all employees hitherto deprived of social security benefits under EPFO. The declaration scheme is operational between January 1st 2017 to March 31st 2017. Salient features as under:-

The employee's share of contributions if declared by the employer as not deducted shall stand waived.

The damages to be paid by the employer in respect of the employees for whom declaration has been made under this campaign shall be at the rate of Rupee One per annum.

No administrative charges shall be collected from the employer in respect of the contribution made under the declaration.

A declaration can be made under the Campaign for the period for which no inquiry under Section 7A has been initiated.

2. EPFO has provided facility for online declaration under the Principal Employer section of EPFO portal which facilitates the implementation of the Employees' Enrolment Campaign. After declaration, the payments are to be remitted by the employer through month-wise ECRs for the entire past period of enrolments.

3. A new Unified Portal for the convenience of Employers and members was made operational on 23rd December 2016 to delivery prompt services to employers and employees through for various online services. For assistance that may be required in operation of Unified Portal, two dedicated e-mail id's have been created.

While Employers can raise queries at
employerfeedback@epfidia.gov.in,

The employees can write at
employeefeedback@epfidia.gov.in

PRESS RELEASE**GRATUITY UP TO RS.20 LAKH RELAXED FROM INCOME TAX**

Private-sector employees will soon be able to withdraw up to Rs.20 lakh in tax-free gratuity after the Centre decided to amend a law and bring them at par with central government Staff.

Currently, private sector employees can get tax exemption up to Rs.10 lakh in gratuity after five years of continuous employment. A tripartite meeting between the labour ministry, trade unions and employee bodies decided on Thursday that a bill to amend the Payment of Gratuities Act will be brought in the second half of the Budget session of Parliament.

The Left-affiliated labour unions also demanded that employees get gratuity after one year of service but no decision was taken. The move comes after the seventh pay commission's recommendation allowing central government employees to earn tax-exempted gratuity up to Rs.20 lakh.

"It is a good move to bring the private sector at par with central government employees. This move will also partly offset the impact of inflation," said Rahul Garg, leader of direct taxes at PwC India.

PRESS RELEASE**EPFO TO LAUNCH HOUSING SCHEME FOR OVER 4 CRORE MEMBERS IN MARCH**

The Employees' Provident Fund Organisation (EPFO) has firmed up a housing scheme for its subscribers.

The scheme is likely to be launched anytime after March, 8 when voting in five poll bound states would be over," a source said.

"Under the scheme, the EPFO will act as a facilitator for its subscribers to buy homes for themselves during their service period," he added.

PRESS RELEASE**LABOUR LAWS REGISTERS REDUCED TO 5 FROM 56**

To further ease of ‘doing business’ and ensure better compliance of labour laws, the government has reduced the number of labour registers from 56 to five common ones for 5.85 crore establishments across agriculture and non-agriculture sectors.

“Such an exercise has reduced number of data fields in five registers to only 144 from the existing 933 fields in 56 registers,” related to details of employees, their salaries, loans/recoveries, attendance etc, the Labour Ministry said in a release.

It said this exercise would do away “with overlapping/redundant fields and will help these establishments save cost and efforts and ensure better compliance of labour laws.”

AMENDMENTS

1. Submission Of Aadhar As Identity Document By The Pensioners And Members Of The EPS, 1995 –Reg.
Dated: 28.02.2017.
2. Introduction of Composite Claim Form (Aadhar and Non Aadhar)
Dated: 20.02.2017.
3. Submission of Life Certificate for Pensioners through Jeevan Pramaan Patra – Reg
Dated: 15.02.2017.
4. Appointment of certain officials of Directorate of Industrial Safety and Health (BOCW Wing)
Dated: 08.02.2017.
5. In Section 41 Tamil Nadu Shops and Establishment Act, 1947 after Sub Section shall be inserted.
Dated: 31.01.2017.
6. Tamil Nadu Payment Subsistence Allowance (Amendment) Act,
Dated: 31.01.2017.

PRESS RELEASE**ESIC PROVIDES RELIEF TO MIGRANT WORKERS**

The ESI Corporation, in its Chintan Baithak of 171st meeting of ESIC at Kochi gave its approval for providing relief to insured women/insured persons through the employer to register two dispensaries, one for self and other for family. Bandaru Dattatreya, Minister of State for Labour and Employment, chaired the meeting.

PRESS RELEASE**EMPLOYEE - TO BE COVERED OR NOT TO BE COVERED UNDER THE EPF SCHEME**

There are large number of categories of employees like agents, casual employees, Directors, drivers of executives, home workers, consultants, loader-un loaders, retired employees, part-time, trainees etc. etc. It is not easy to determine about coverage of an employee. The team Labour Law Reporter is examining this aspect with the support of case law and the outcome of the study will be published in the April 2017 issue of the Labour Law Reporter.



कर्मचारी भविष्य निधि संगठन
EMPLOYEES' PROVIDENT FUND ORGANISATION
Ministry of Labour & Employment, Government of India
मुख्य कार्यालय/Head Office

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

No. Pension – I/17(10)/2016-17/Jeevan Pramaan

Date: 27.02.2017

To

All Addl. Central P.F. Commissioner (Zones),
All Regional P.F. Commissioner (RO/SROs)

32049
28 FEB 2017

Sub: Submission of Aadhaar as identity document by the Pensioners and Members of the EPS, 1995-reg.

Sir/Madam,

This office vide letter dated 31.01.2017 had conveyed that a member must furnish the Aadhaar number while submitting claim form under EPS 1995 w.e.f. 01.02.2017. It was further informed that where a member has not been allotted aadhaar number, a copy of his/her aadhaar enrolment ID slip may be submitted alongwith the claim form for settlement of claim under EPS 1995. This was in compliance of directions contained in Gazette Notification No. S.26(E) dated 04.01.2017.

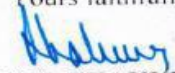
2. However, it has been brought to notice that with the present instructions on mandatory obtaining Aadhaar No. for settlement of pension cases, it is not possible to sanction withdrawal benefit claims in Form 10C also if Aadhaar No. is not furnished. This has led to issues in settlement of withdrawal claims.

3. The matter has been examined in light of the above and it has been decided that obtaining of aadhaar should be mandatory for the time being only for pension (10D claims) and not in withdrawal cases (Form 10 C).

4. However, all efforts may be made for linking aadhaar no. for pensioners under EPS 1995 at the earliest.

[This issues with the approval of the CPFC].

Yours faithfully,


(S.K. THAKUR)

Additional Central P.F. Commissioner-I(Pension)



कर्मचारी भविष्य निधि संगठन

Employees' Provident Fund Organisation

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

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

मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14, भीकाएजी कामा प्लेस, नई दिल्ली - 110 066.

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

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

Telephone: 011- 26172685 Fax: 011-26173022 Email: rc_fa@epfindia.gov.in

No: Manual/Amendment/2011/Pt

31792

ORDER

Date: 20.02.2017

20 FEB 2017

In the matter of Introduction of Composite Claim Forms (Aadhar and Non-Aadhar) to replace existing Claim Forms No. 19, 10C & 31 and Forms No. 19 (UAN), 10C(UAN) & 31 (UAN)

Employees' Provident Fund Organisation has embarked upon its next phase of e-governance reforms with a view to make its services available to its stakeholders in an efficient and transparent manner. EPFO has since implemented Universal Account Number (UAN) for its subscribers. It is now possible for subscribers, who have seeded with Aadhar number and Bank account details, to submit claim forms directly to EPFO without the attestation of employers.

2. The Central Provident Fund Commissioner vide order No. WSU/10(1)2011/Changes in MAP/34106 dated 01.12.2015 had prescribed new Forms No. 19 (UAN), 10C(UAN) & 31(UAN) for all employees whose Aadhar number and Bank account details had been seeded with Universal Account Number (UAN). The said order is being modified to prescribe a Composite Claim Form (Aadhar) to replace the existing Forms No. 19 (UAN), 10C(UAN) & 31(UAN) with a view to simplify the submission of claim forms by subscribers. This new Composite Claim Form (Aadhar), enclosed herewith can be submitted to respective jurisdictional EPFO office, without the attestation of employers.

3. In pursuance of provisions of paragraph 72(5) of the Employees' Provident Funds Scheme, 1952, Central Provident Fund Commissioner, hereby prescribes the new Composite Claim Form (Non-Aadhar) to replace the existing Forms No. 19, 10C & 31 with a view to simplify the submission of claim forms by subscribers. The new Composite Claim Form (Non-Aadhar), enclosed herewith shall be submitted with the attestation of employers to the respective jurisdictional EPFO office.


4. Further, the submission of Composite Claim Form (Aadhar) / Composite Claim Form (Non-Aadhar) will be further simplified and modified to include self-certification by EPF subscribers in place of various certificates prescribed at present. These include:-

- I. **Para 68B:** The "New Declaration Form" required to be appended with Form No. 31 for housing loan/purchase of site/house/flat or for construction/addition, alteration in existing house/repayment of housing loan shall stand discontinued. Similarly, the present practice of calling for "Utilization Certificate" shall also be dispensed with. No document would be required to be submitted by the subscriber in respect of these partial withdrawals.
- II. **Para 68H:** Grant of advances in case of closure of factories: No document would be required to be submitted by the subscriber along with the Composite Claim Form (Aadhar) / Composite Claim Form (Non-Aadhar).
- III. **Para 68K:** Marriage advance & for availing advance for post-matriculation education of children: No document, including marriage card, would be required to be submitted by the subscribers.
- IV. **Para 68L:** Advance in abnormal condition: Member may self-certify that his property has been damaged. No document would be required to be submitted by the subscriber.

V. **Para 68 J & 68N:** Orders in respect of certificates under these paras will be issued separately.

5. It may be noted that the submission of Composite Claim Form (Aadhar) / (Composite Claim form (Non-Aadhar) duly signed by the EPF subscriber shall be construed as 'self-certification' for the above said partial withdrawals, for which no document as specified above would be required to be submitted to the EPFO offices.

6. This order shall be made operational with immediate effect.



(Dr. V.P. Joy)
Central P.F. Commissioner

Enclosures:

1. Composite Claim Form (Aadhar)
2. Composite Claim Form (Non- Aadhar).

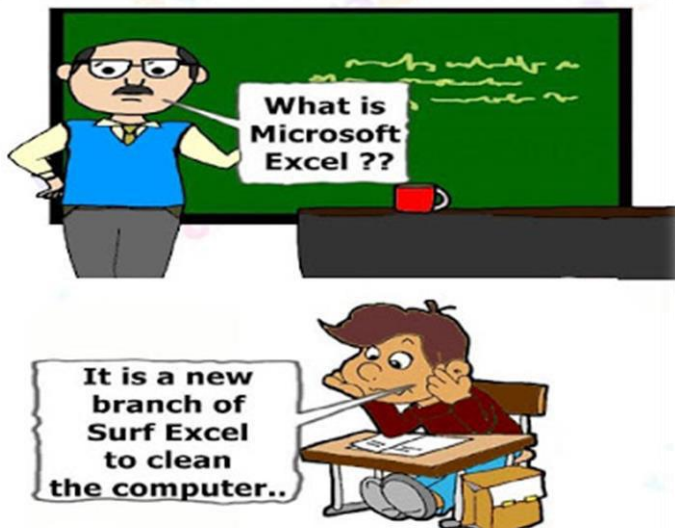
COMPOSITE CLAIM FORM (AADHAR) {Form No -19 (PF Final Settlement)/10C (Pension Withdrawal Benefits)/ 31 (PF Part Withdrawal)}

It is available in www.vmlegalassociates.com

COMPOSITE CLAIM FORM (Non-AADHAR) {Form No -19 (PF Final Settlement)/10C (Pension Withdrawal Benefits)/ 31 (PF Part Withdrawal)}

It is available in www.vmlegalassociates.com

Pappu in computer exam:-





कर्मचारी भविष्य निधि संगठन

(श्रम एवं रोजगार मंत्रालय, भारत सरकार)

EMPLOYEES' PROVIDENT FUND ORGANISATION

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

मुख्य कार्यालय / Head Office

भविष्य निधि भवन, 14-भीकाजी कामा प्लेस, नई दिल्ली-110 066

Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi – 110 066.

No.Pension-I/17(1)/2016/Jeevan Pramaan/31402

Dated: 15 FEB 2017

To

All Addl. Central P.F. Commissioner (Zones)

All Regional P.F. Commissioners (In-Charge of Region)/Sub Regional Offices

Sub: Submission of Life Certificate for Pensioners through Jeevan Pramaan Patra – regarding.

Ref: (i) Notification No.SO 26(E) for submission of Aadhaar as identity document by the pensioners and members of the EPS-95.

(ii) Head Office letter No. Pension-I/17 (10)/2016-17/Jeevan Pramaan/ 17965 dated 20.01.2017.

Sir,

The Gazette notification No.SO 26(E) was circulated vide this office letter No.Pension-I/17(1)/2016-17/Jeevan Pramaan/17197 dated 09.01.2017. As per the said notification members and pensioners of the EPS-95 desirous of continuing to avail pension and the Central Government contribution and subsidy under the said scheme are required to furnish proof of the possession of the Aadhaar Number or make an application for Aadhaar enrolment by 31st January, 2017.

2. The date of submission of life certificate by pensioners under Employees' Pension Scheme 1995 was extended upto 28.02.2017 vide Head Office letter No.Pension-I/17(1) 2016/Jeevan/Pramaan/613 dated 16.01.2017 in order to facilitate the pensioners to submit life certificate through Aadhaar based Jeevan Pramaan system during the extended period.

3. However, various references have been received from field offices requesting to extend the date of submission of life certificate through Jeevan Pramaan as many of the pensioners have still not submitted Aadhaar authenticated Jeevan Pramaan as Life Certificate for continuation of drawal of pension. Some of the pensioners have submitted the Life Certificate in the document form, who are also required to submit Jeevan Pramaan through digitally signed Aadhaar linked Jeevan Pramaan in place of document based life certificates already submitted.

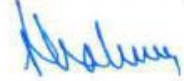
4. In order to facilitate the pensioners in submission of Jeevan Pramaan Patra digitally it has been decided to further extend the date of submission of Digital Life Certificate through Jeevan Pramaan Patra upto 31.03.2017. It is requested to regulate the payment of pension accordingly, till the month of March, 2017 and facilitate pensioners in submission of Jeevan Pramaan Patra/Aadhaar number for the members of the EPS-1995.

5. Further, based on the notification first cited, it is hereby informed that all the members of EPS-1995 should also submit Aadhaar number authentication on or before 31.03.2017 so as to facilitate services to them.

6. Instructions issued vide letter dated 21.01.2017 should be scrupulously followed and facility to the pensioners and members of the EPS-1995 in submission of Aadhaar as identity document should be extended fully through various resource centers and the offices of the EPFO.

(This issues with the approval of CPFC).

Yours faithfully,



(Dr. S.K. Thakur)

Addl. Central P.F. Commissioner-I (Pension)

Copy to:

1. ACC (HQ) (RB)/ACC(HQ)/HR/FA&CAO/CVO for information.
2. All ACCs in Head Office for information.
3. Director, NATRSS.
4. All RPFs in Head Office for information.
5. RPF-II (NDC) with request to upload the same on EPFO website.
6. DD (OL) for providing Hindi Version.
7. PS to CPFC for information.

Maths Teacher: What is a line?

Pappu: A line is a dot that's going for a walk.

Teacher: Then what are parallel lines?

Pappu: A dot going for a walk with his Girlfriend!



*Wife: Darling today is our anniversary, what should we do?
Husband: Let us stand in silence for 2 minutes.*

LABOUR AND EMPLOYMENT DEPARTMENT

Appointment of certain officials of Directorate of Industrial Safety and Health (Building and other Construction Workers Wing) as appellate officer / Registering Officers / Licensing Officers / Inspectors under the Contract Labour (Regulation and Abolition) Act.

[G.O. Ms. No. 256, Labour and Employment (H1), 23rd December 2016,]

No. II(2)/LE/95/2017.—In exercise of the powers conferred by sub-section (1) of Section 15 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), the Governor of Tamil Nadu hereby appoints the Senior Additional Director of Industrial Safety and Health (Building and Other Construction Workers) to be the *appellate officer* in respect of all establishments covered under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996) and who shall have jurisdiction throughout the State of Tamil Nadu.

NOTIFICATION-II

[G.O. Ms. No. 256, Labour and Employment (H1), 23rd December 2016,

No. II(2)/LE/96/2017.—In exercise of the powers conferred by Section 6 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), the Governor of Tamil Nadu hereby appoints the officers specified in column (1) of the Schedule below to be the registering officers for the purposes of Chapter III of the said Act in respect of the establishments mentioned in the corresponding entries in column (2) thereof and defines the limits in the corresponding entries in column (3) thereof:-

THE SCHEDULE

<i>Officers</i>	<i>Establishments</i>	<i>Limits</i>
Joint Directors of Industrial Safety and Health (Building and Other Construction Workers).	All Establishments coming under the purview of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996)	limits assigned to them under subsection (b) of section 6 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996)

NOTIFICATION-III

[G.O. Ms. No. 256, Labour and Employment (H1),23rd December 2016,

No. II(2)/LE/97/2017.—In exercise of the powers conferred by Section 11 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), the Governor of Tamil Nadu hereby appoints the officers specified in column (1) of the Schedule below to be the Licensing Officers for the purposes of chapter IV of the said Act in respect of the establishments mentioned in the corresponding entries in column (2) thereof and defines the local limits in the corresponding entries in column (3) thereof:-

THE SCHEDULE

<i>Officers</i>	<i>Establishments</i>	<i>Local Limits</i>
Deputy Directors of Industrial Safety and Health (Building and Other Construction Workers).	All Establishments coming under the purview of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996)	Local limits assigned to them under subsection (3) of section 42 of the Building and workers (Regulation of Employment and Conditions of Service) Act, 1996.(Central Act 27 of 1996).

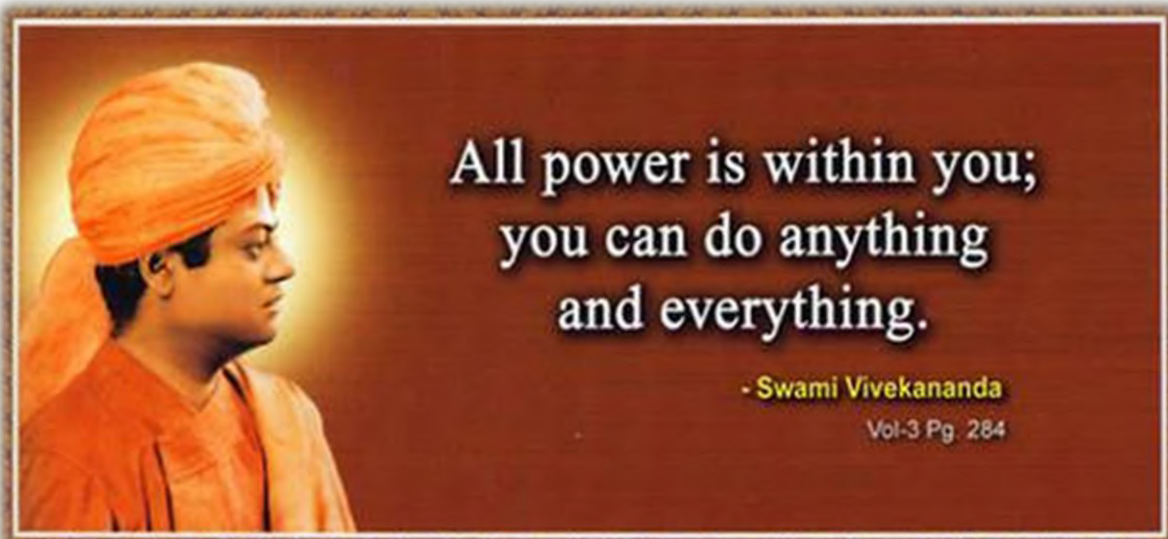
NOTIFICATION-IV

[G.O. Ms. No. 256, Labour and Employment (H1),23rd December 2016

No. II(2)/LE/98/2017.—In exercise of the powers conferred by sub-section (1) of Section 28 of Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970), the Governor of Tamil Nadu hereby appoints the officers specified in column (1) of the Schedule below to be the *inspectors* for the purposes of the said Act in respect of all establishments covered under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996) and assigns to them the limits specified in the corresponding entries in column (2) thereof:-

THE SCHEDULE

<i>Officers</i>	<i>Limits</i>
Director of Industrial Safety and Health. Senior Additional Director of Industrial Safety and Health (Building and Other Construction Workers).	Whole of the state of Tamil Nadu
Joint Directors of Industrial Safety and Health (Building and Other Construction Workers)	Limits assigned to them under sub-section (b) of section 6 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996)
Deputy Directors of Industrial Safety and Health (Building and Other Construction Workers) Assistant Directors of Industrial Safety and Health (Building and Other Construction Workers)	Local limits assigned to them under sub-section (3) of section 42 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996)



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

45

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 10 of 2017

A Bill further to amend the Tamil Nadu Shops and Establishments Act, 1947.

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

1. (1) This Act may be called the Tamil Nadu Shops and Establishments (Amendment) Act, 2017.

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

2. In section 41 of the Tamil Nadu Shops and Establishments Act, 1947 (hereinafter referred to as the principal Act), after sub-section (2), the following sub-sections shall be inserted, namely:—

“(2-A) The appellate authority may, if it considers that any document or the testimony of any person is relevant or necessary for the discharge of its duties under this Act as appellate authority, call for and inspect such document or summon and examine such person. For the aforesaid purposes, it shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908), in respect of the following matters, namely:—

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) compelling the production of documents;
- (iii) issuing commissions for the examination of witnesses.

(2-B) The appellate authority, may, after giving notice in the prescribed manner to the employer and the person employed, dismiss the appeal or direct the reinstatement of the person employed, with or without wages for the period he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.”

3. For section 45 of the principal Act, the following section shall be substituted, namely:—

“45. Penalties.—Whoever contravenes any of the provisions of sections 7 to 11, 13 to 23, 25, 26, 29 to 41 and 47 shall be punishable for a first offence, with fine which may extend to five thousand rupees and for a second or subsequent offence, with fine which may extend to ten thousand rupees.”



Short title and commencement.

Amendment of section 41.

Tamil Nadu Act XXXVI of 1947.

Substitution of section 45.

STATEMENT OF OBJECTS AND REASONS

As per sub-section (2) of section 41 of the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947), a person employed shall have a right to appeal to the appellate authority within such time either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer. In order to effectively deal with the said appeal, the Government have decided to confer on the appellate authority the powers of the civil court while trying a suit under the Code of Civil Procedure, 1908 (Central Act V of 1908) to summon and enforce the attendance of any person and examining him on oath, compel the production of documents and to issue commissions for the examination of witnesses. Further, as the fine amount prescribed for the contravention of the provisions of the said Act was fixed in the year 1947, the Government have decided to enhance the fine amount. Accordingly, the Government have decided to amend the said Tamil Nadu Act XXXVI of 1947 suitably for the aforesaid purposes.

2. The Bill seeks to give effect to the above decisions.

Dr. NILOFER KAFEEL,
Minister for Labour.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 11 of 2017
*A Bill further to amend the Tamil Nadu Payment of
Subsistence Allowance Act, 1981.*



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

1. (1) This Act may be called the Tamil Nadu Payment of Subsistence Allowance (Amendment) Act, 2017.

Short title and
commencement.

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

2. In section 2 of the Tamil Nadu Payment of Subsistence Allowance Act, 1981, in clause (a), in item (ii), for the expression "draws wages exceeding three thousand and five hundred rupees per mensem", the expression "draws wages exceeding fifteen thousand rupees per mensem" shall be substituted.

Amendment of
section 2.

Tamil Nadu
Act 43 of
1981.



An employee having no relationship of master-servant with the employer is not entitled to be covered under the Act. An employee, if not engaged or appointed by the Government as per applicable service rules, he would not be treated as an employee of the Government.

Kerala High Court – RPFC Vs. Trivandrum Medical College – 2017 LLR 160

During pendency of any dispute between workmen and the management in the Court, Change of service conditions of the workmen by the Management without obtaining express consent of the workmen or permission of the court concerned would be illegal.

Madras High Court – Saran Kumar Vs. Union of India and Others – 2017 LLR 193

Dereliction of duty by a Supervisor causing fraud in the Bank is a gross and serious misconduct justifying punishment of dismissal from service. Writ Court, at the best, could remand the case to the disciplinary authority for imposition of lesser punishment leaving it to the authority to consider the quantum of lesser punishment.

Supreme Court of India – CEO, Krishna District Co-op. Central Bank Ltd., Vs. Hanumantha Rao and Another – 2017 LLR 116

An enquiry is liable to be quashed on account of violation of principles of natural justice, non-application of mind, non-recording reasons in support of finding, non-giving fair and reasonable opportunity for leading evidence to the delinquent employee by the Enquiry Officer or Disciplinary Authority.

Supreme Court of India – Allahabad Bank & others Vs. Krishna Narayanan Tewari- 2017 LLR 113

Assessment of EPF dues by the EPF Authority under Section 7A of the EPF Act, 1952, without identification of beneficiaries is not sustainable not being in accordance with law. Before assessing the EPF dues payable by the employer, identification of beneficiaries is must.

Patna High Court – APFC Vs. NandLal and Company – 2017 LLR 197





COMPLIANCE CHECKLIST

List of Registers to be Maintained Under Various Labour Laws

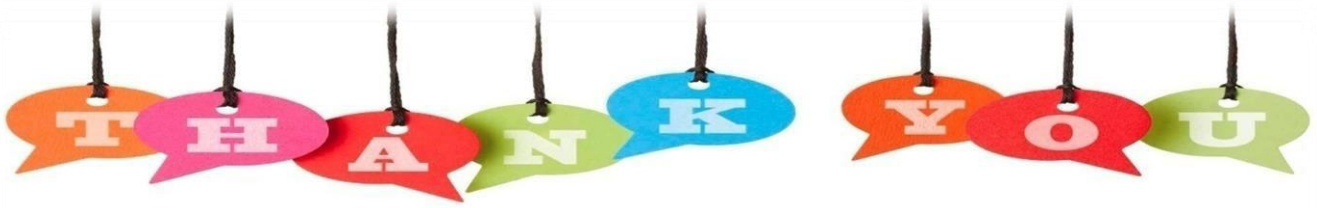
Sl. No.	Act	Frequency	Principle Employer ---->
1	S & E Act	MONTHLY	Register of advance , Deduction, Damages and Loss fine - Form - P
2	S & E Act	MONTHLY	Register of Employment for Shop and Establishment Form - Q
3	S & E Act	MONTHLY	Register of Wages - Form - R
4	S & E Act	MONTHLY	Notice of Daily Hours 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

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