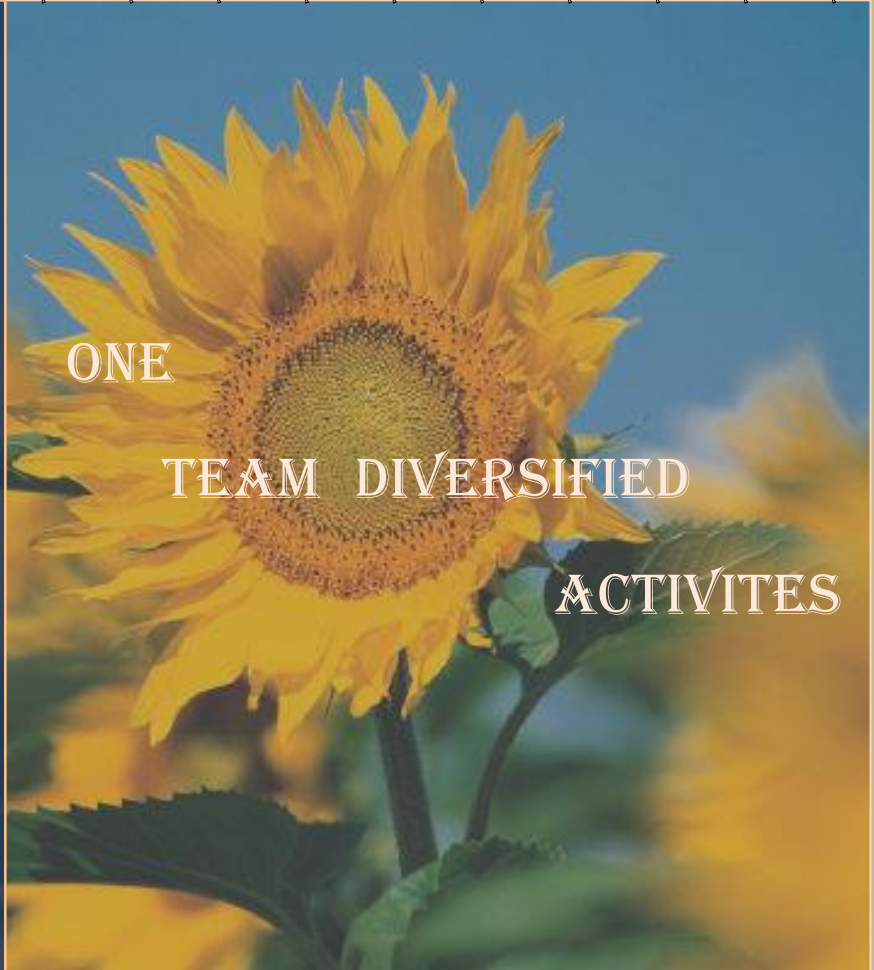


NEWSLETTER

JUNE 2017

V&M ASSOCIATES



ONE

TEAM DIVERSIFIED

ACTIVITIES

In This Issue



Service Offered

- ◆ Start -Up Support
- ◆ Labour Law Consulting
- ◆ Court Representations
- ◆ Arbitration
- ◆ Registration Of Establishments
- ◆ Labour Law Audits & Due Diligence Audit
- ◆ Contractors' Compliance Monitoring
- ◆ Handling Of Disciplinary Proceedings
- ◆ Conducting Domestic Enquiry
- ◆ Handling of Union / IR Issues

Editorial Board

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

ABOUT US

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

The Partners and members of the Firm are senior professionals with several years of experience behind them. Some of our senior founding partners rendered their services in the Capacity of Regulating Authorities with judiciary powers for state & Federal Government. The practicing team is supported by the Economic Legislative Experts like Chartered Accountants, Company Secretaries, & Management Cost Accountants, besides has the team of able assisting trained Para legal workforce.

They bring the highest level of professional service to clients along with the traditions of the profession, integrity and undisputed ethical practices. Members of the Firm are in absolute alignment with the work-culture of Global Law firms as well as with an ability of meeting the expectations of large corporate clients.

The Firm has amongst its client's multi nationals, Industrial Houses with huge workforce, Information Technology companies, Leading Software Houses, ITES Companies and most admired leading Indian corporations.

V & M Associates has developed a high specialization in the field of Legal & Management Business Advisory services, providing 360 degree of scale with the 3 Dimensional approaches on client centric customized, consulting services of to all kind of Corporate Houses.

Our **Corporate Law Services** is a team of highly qualified and experienced lawyers, who offer effective services to our clients by combining broad knowledge of corporate law matters with experience in key sub disciplines, with the ability to identify potential issues and develop real-time, practical solutions to a wide variety of client concerns.



AMENDMENTS

Recent Notification for Definition International Worker under EPF Scheme

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/06/Definition-International-Worker.pdf>

Factories Act Amendment regarding - renew the Licence.

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/06/Factories-Act-Amendment-reg-renew-the-Licence.pdf>

Contract Labour and Catering Act Licence Fees Amendment

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/06/Contract-Labour-and-Catering-Act-Licence-Fees-Amendment.pdf>

Industrial Dispute Act First schedule Amendment.

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/06/ID-Act-First-schedule-Amendment.pdf>

EPFO signs MOU with HUDCO under new Housing Scheme of EPF & MP Act-1952.

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/06/EPFO-signs-MoU-with-HUDCO-under-new-Housing-Scheme-of-EPF-MP-Act-1952-.pdf>

Employees' Relation and Aadhar Campaign from 01.07.2017 to 30.09.2017

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/06/Employees-Aadhar-campaign.pdf>

New Case Law

Possession of employee or his family members after his death over the quarter allotted by the company, from the date of cessation of employment, is illegal. Employer is having legal right to file complaint against the employee or his legal heirs in competent court seeking employee's or his family members' prosecution, eviction of the quarter and for imposition of fine since the Civil Procedure Code does not bar the applicability of the Companies Act.

Supreme Court of India – M/s.Unichem Laboratories Ltd Vs. Rani Devi & Another – 2017 LLR 562

When the workman is gainfully employed during the intervening period, he is not entitled to relief under Section 17B of the ID Act. Granting back wages to a workman who has concealed the fact of his gainful employment, is liable to be set aside.

Delhi High Court – Univeristy of Delhi Vs. Govt. of NCT of Delhi – 2017 LLR 569

For forfeiture of gratuity, the termination of services of the employee on account of proved offence involving moral turpitude as per Section 4 (6) (a) of the Payment of Gratuity Act is a necessary requirement. The forfeiture of amount of gratuity is justified only to the extent of financial loss suffered by the employer, duly proved by conducting fair and proper enquiry.

Bombay High Court – NanubhaiNichhabhai Desai Vs. The DGM., UCO Bank – 2017 LLR 584

Compensation payable to the claimant becomes due on the date of accident. If the compensation is not paid within one month, it attracts interest at the rate of 12% per annum from the date of default, in terms of sections 4A (I) and 3 of the Employees Compensation Act, 1923.

Madras High Court –AmuthaVs. RameshSindwani& Others – 2017 LLR 671

Long unauthorised absenteeism is a grave and serious misconduct justifying punishment of termination from services. Punishment of removal against the proved charges of unauthorised absenteeism is not disproportionate to the gravity of the misconduct.

Karnataka High Court – GururajVs. GM., Bharat Earth Movers Ltd., 2017 LLR 666

Part time Lecturers are employees' under Section 2 (f) of the Employees' Provident Funds and Miscellaneous Provisions Act. Absence of regulation of the services of the part time lecturers cannot be basis to deprive them the benefits of coverage under the Act. Since the Petitioner is extending EPF benefits to its regular employees, there is no justification in denying the same to part time employees.

Hyderabad High Court – V R College, Nellore Vs. PF Appellate Tribunal – 2017 LLR 599

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 – 30th JUN 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 |

IMPORTANT ANNOUNCEMENT

QUARTERLY / HALF-YEARLY RETURNS SUBMISSION

IT/ITES & SOFTWARE ESTABLISHMENT – [Due Date – 31st JUL 2017]

| 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 |
| 10 | LWF | Quarterly | Register of fines and unpaid accumulation - Form C |
| 11 | EE Act | Quarterly | Quarterly Return Form – ER1 |

Commercial Establishments (Trading & Marketing) – [Due Date – 31st JUL 2017]

| 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 |
| 4 | LWF | Quarterly | Register of fines and unpaid accumulation - Form C |
| 5 | EE Act | Quarterly | Quarterly Return Form – ER1 |

For Factories – [Due Date – 31st JUL 2017]

| 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 |
| 4 | EE Act | Quarterly | Quarterly Return Form – ER1 |
| 5 | Fac. Act | Half-Yearly | Half-yearly Return – Form 21 |

Disclaimer

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