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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.





### ***ALINGING YOUR COMPLIANCE FRAMEWORK TO YOUR CLIENT BUSINESS STRATEGY...***

As it is an established fact that the new FY focus for the practicing managers and business leaders should be Customers, Employees, Growth, Profitability, Staying competitive, Strategy Execution and winning clients through sustainable Trust .

Things are not only competitive and also more towards selecting the right business partners as vendors who scores in the area of high order adherence to transparent Corporate Governance.

To be one such preferred business partners, we need to have a self calibration and as part of self measures need to find honest answers to the key lead illustrative:

- 1) Can we achieve the desired level of Governance through more focus on compliance
- 2) Are we scoring well in the Corporate Compliances
- 3) Is our existing compliances score is good enough to present
- 4) Is our investment towards compliances are paying off

Developing and implementing an effective Compliances Management System to an extend of customer / client audit delight shall be the major challenge and Many HR groups struggle to formulate such frame work . The reasons why are varied, but without a right Compliance Partner with proper compliances management strategy and plan, the results are usually the same – the HR team is not seen as playing a strategic business supportive 100% compliance role in their organization,.

Often the hardest part is getting started with the right framework for the Compliance strategy and plan. To help you, during this Financial Year at **V & M Associates**, we have designed Easy Compliances Process walks through the typical steps in Audit Centric , Client Business Oriented compliances process, so you can use to create your own Compliance management strategy leading towards high order Corporate Governance and list the organisation to the respectable position in the Corporate Corridor.

Let's call for 100 % Corporate Compliances to achieve high order Governance and keep the level high with more pride not as matter of goal as matter of non negotiable fundamental for the year 2017-2018.

We extend our support to the corporate in the form of Conducting **FREE COMPLIANCE AUDIT** to Evaluate the Compliance Level Percentage and to provide you **RECOMMENDATIONS** for Improvements.

Feel Free to get in touch with us for the betterment of Compliance Level Percentage to Avoid Litigations in the future.....

*Happy Reading,  
Kalidasan.GK  
Chief Editor*

## PRESS RELEASE

### EPFO TO DISCUSS MAKING EPF OPTIONAL FOR APPAREL WORKERS

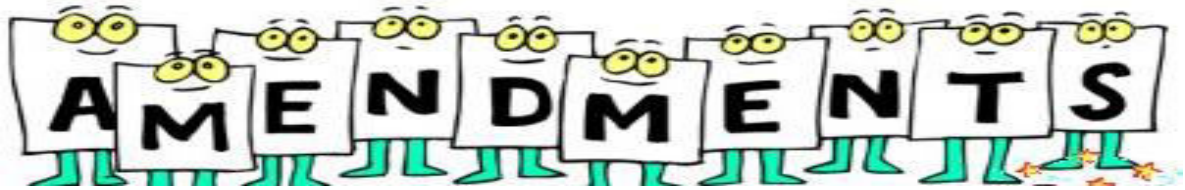
**NEW DELHI:** Retirement fund body EPFO will consider a proposal to amend the EPF & MP Act for making provident fund contributions optional for employees in apparel and made-ups sector at the trustees' meet on next Thursday. However, the trade unions are against this move saying this would encourage such an exemption for other sectors as well in future and might defeat the purpose of retirement savings. "The proposal to amend the Act for implementing the Cabinet decision of making EPF contributions optional for employees earning less than Rs 15,000 per month is listed on the agenda of EPFO's trustees meet scheduled on March 30, 2017," a source said

Earlier last year in June, the Centre has brought a package for the textile and apparel sector which was later extended to made-ups also in December 2016. Among other sops in the package, it was announced that EPF shall be made optional for employees earning less than Rs 15,000 per month in these segments. However it was a Cabinet decision but it could not be implemented without amending the EPF & MP Act 1952, the source said. In the present legal framework, the employees as well as employers contribute 12 per cent each towards mandatory contributions towards social security scheme -- EPF, EPS and EDLI -- run by the Employees' Provident Fund Organisation (EPFO).

Once approved by the CBT, the proposal would have to go through the floor test in both the Houses of Parliament. Commenting on the proposal, All India Trade Union Congress Secretary D L Sachdev said, "All central trade unions will oppose this proposal because it would start a new practice of making EPF contributions optional for a set of categories of employees. This will set a wrong precedent. Besides, the EPFO's apex decision making body, the Central Board of Trustees (CBT), headed by the Labour Minister would also take up a proposal of providing health cover to its around 50 lakh pensioners. Earlier, back of the envelop calculations done by ESI had estimated Rs 200 monthly premium per person for providing health cover under its scheme to the EPFO pensioners.

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The proposal is aimed at providing health cover to EPFO pensioner, who get very little amount as pension and hence healthcare is out of their reach. Besides, the CBT will also discuss the proposal to cover scheme workers like Anganwadi and mid-day meal, under the social security schemes run by the EPFO. ..



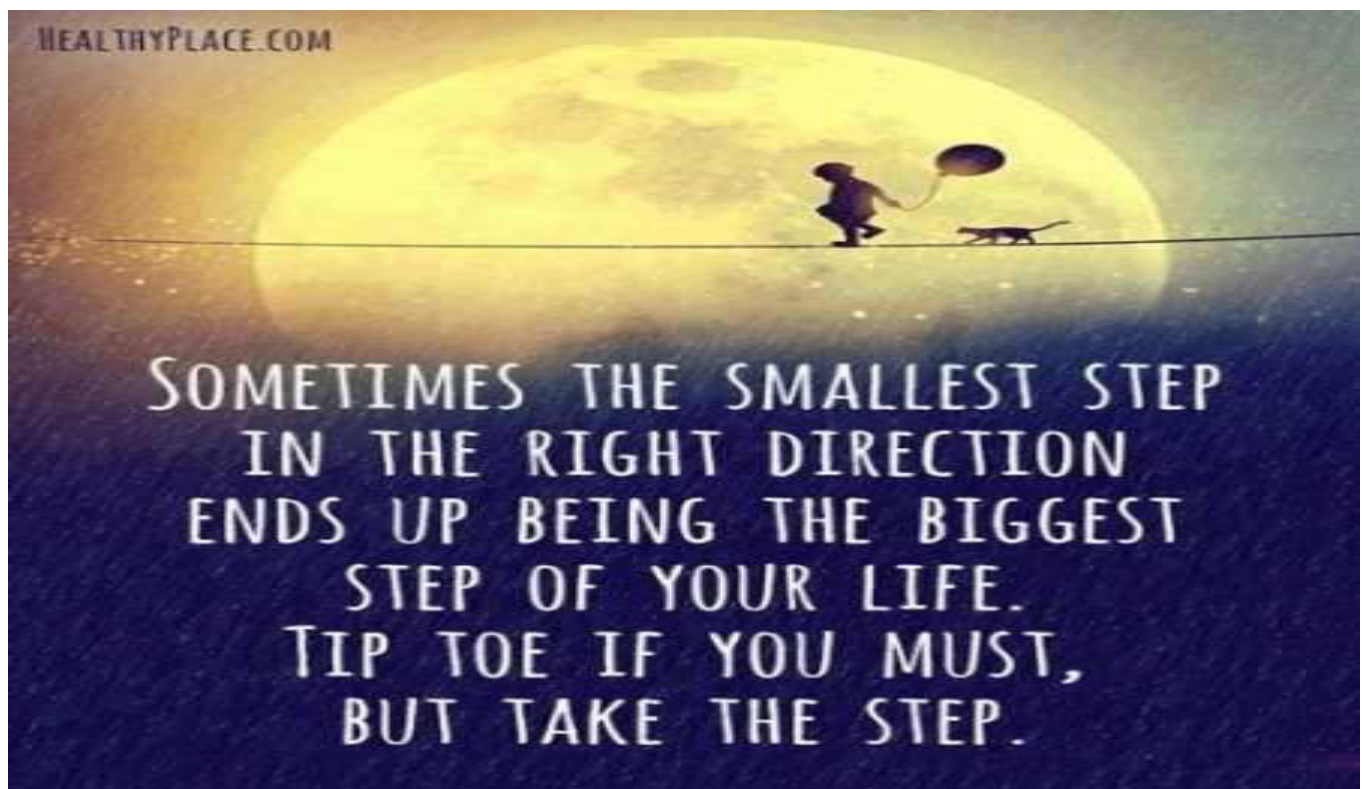
1. To extended the Maternity leave form 12 weeks to 26 weeks Under Maternity Benefit Act 1961. <http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/maternity.pdf>
2. All wages shall be paid in current coin or currency notes or by cheque or by crediting the wages in the bank account of the workman under The Contract Labour (Regulation and Abolition) Central Amendment Rules, 2017. <file:///F:\Circulars\CLRA%20Act%20.pdf>
3. Every contractor shall upload a Unified Annual Return in the Form XXIV specified in these rules, on the web portal of the Ministry of Labour and Employment on or before the 1st day of February following the close of the year to which it relates. <file:///F:\Circulars\CLRA%20-%20Central%20Rules%20combined%20Return.pdf>
4. Payment of PF and withdrawal benefit under Pension Scheme on the date of leaving service to International Workers <http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/DOC-20170325-WA00021.pdf>
5. Allowing members of the Employees' Pension Scheme, 1995 the benefit of the actual salary in the Pension Fund exceeding wage limit of either Rs.5000 / - or Rs. 6500 per month from the effective date respectively as per the Hon'ble Supreme Court's order in SLP No.33032-33033 of 2015 [Feb%202017%20News%20letter.docx](#)
6. Reduction in the rate of administrative charges from 0.85% to 0.65% of the pay towards EPF Scheme, 1952 And Non-levy of administrative charges towards EDLI Scheme, 1976. [http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/WSU\\_FA\\_ADmCharges\\_339591.pdf](http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/WSU_FA_ADmCharges_339591.pdf)
7. Revision of referral norms in case of direct admission of ESI beneficiaries to tie up hospital [http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/Circular-on-Cashless-Treatment-for-Direct-Emergency-Admissions.pdf1\\_.pdf](http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/Circular-on-Cashless-Treatment-for-Direct-Emergency-Admissions.pdf1_.pdf)
8. The Karnataka Minimum Rate of Wages under Shops and commercial Establishments Act for the year 2017 -2018 [http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/Shops\\_Commercial\\_Estarblishments\\_w.e.f\\_01st\\_Apr\\_20171.pdf](http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/Shops_Commercial_Estarblishments_w.e.f_01st_Apr_20171.pdf)
9. Revised Dearness Allowance Payable with effect from 01<sup>st</sup> April 2017 for Tamil Nadu <http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/MW-2017-2018-min.pdf>
10. The Karnataka Industrial Employment ( Standing Orders) Amendment Rules 2017 <http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/Standing-orrder-Amendement-Karnataka1-min.pdf>

11. The Tamil Nadu Shops and Establishment Act 1947, Permitting all shops and Establishments to keep open all 365 days for the further period of three years.<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/365-days-Store-opening-Tamilnadu.pdf>

12. Maternity Benefit Act FAQ on new notification <http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/Faq-Maternity-Act-New-notification.pdf>

13. Department for Workmen, Children, Disabled and Senior Citizens – Revised incentive Scheme for providing employment to persons with disability in the private sector.<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/GoI-Office-memorandum.pdf>

14. Revised Minimum Wages payable for the year 2017 -2018 for Shops and Establishment, General Engineering and Security Guards. <http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/03/2017-2018-MW.pdf>





For dismissal of a suit on a preliminary issue, the court is entitled and liable to look into the entire documents including those furnished by defendant. Civil Court should not dismiss a suit merely that it is not tenable. Civil suit is tenable when the authority fails to follow the procedure.

**Supreme Court of India – Central Provident Fund Commissioner Vs. J R Educational Society – LLR 225 – 2017**

If the management / principal employer fails to produce relevant records, to disclose the name of the contractor, registration certificate under CLR Act, the workmen would be treated to be employees of the principal employer. In the absence of documentary or oral evidence, the contention of the management that workmen were engaged through the contractor, cannot be accepted.

**Uttrakhand High Court – Food Corporation of India Vs. Shramik.Sangh&ors. – I.L.R 315 – 2017**

Courts will not interfere in transfers unless malafide. The transfer is an incident of service, scope of interfere with the order of transfer for convenience of the employee, is not justified.

**Madras High Court – Indian Oil Corporation Vs. Premkumar – LLR – 294 - 2017**

In the cases of Oral termination, calculation of 240 or more working days during the preceding 12 calendar months is to be considered without any doubt before awarding any relief to the workman. Workman is not entitled to any relief under the Industrial Disputes Act, 1947, if he has not performed duty with the employer for 240 or more working days during the preceding 12 months.

**Karnataka High Court –Executive Engineer, GRBCC Division Vs. Shivakka Ramappa Lankannawar – LLR 318 – 2017**

Prosecution for non-disclosure of violation of the provisions of Factories Act is untenable. It is imperative that a complaint should disclose the minimum fact so that the accused would set up his defence, refuting the allegations – Merely saying that they do not maintain certain registers would not be sufficient to maintain the prosecution.

**Madras High Court – Inspector of Factories Vs. Soumitra Hazra– LLR – 291 - 2017**

Allowances not being paid regularly and to all the employees are excluded from the definition of basic wages as defined under section 2 (b) of the EPF Act

**Punjab and Haryana High Court – EPFO Vs. Arihant Spinning Mills and Another – LLR 260 - 2017**

When a trainee is imparted training only for upgrading his skill and not to do any work for the gains of the employer, any amount paid to him attracting him to attend coaching classes, cannot be treated as “wages” for the purpose of EPF contributions. In the absence of payment of wages to a person employed by an employer, the relationship of employer-employee would not come into existence. Only when an amount is paid to an employee and it qualifies as “wages” under section 2 (b) of the Act, would attract EPF contributions and not otherwise.

**Delhi High Court – RPFC Vs. Srinivas Malliah Memorial Theatre Crafts Trust – LLR 226 – 2017**



# 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 - <b>Form - P</b>
2	S & E Act	MONTHLY	Register of Employment for Shop and Establishment <b>Form - Q</b>
3	S & E Act	MONTHLY	Register of Wages - <b>Form - R</b>
4	S & E Act	MONTHLY	Notice of Daily Hours of Work, Rest Interval Weekly Holiday <b>Form - S</b>
5	S & E Act	MONTHLY	Wages slip/Leave card Return - <b>Form - T</b>
6	LWF	MONTHLY	Labour Welfare Fund register - <b>Form - B</b>
7	Min Wages	MONTHLY	Register of Fines- <b>Form - 1</b>
8	Min Wages	MONTHLY	Deduction and Damages- <b>Form - II</b>
9	Min Wages	MONTHLY	Overtime register- <b>Form - IV</b>
10	S&E Act	MONTHLY	Whether minimum leave entitled / availed as per <b>Shops &amp; Establishment Rules</b>
11	S.A.ACT	MONTHLY	Maintenance of Registers - <b>Form - 1</b>
12	P.S.ACT	MONTHLY	Maintenance of Registers - <b>Form - 1</b>
13	M.B.ACT	MONTHLY	Maintenance of Registers - <b>Form - A</b>
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 - <b>Form - D</b>
16	N.F.H.ACT	ONGOING	Maintenance of Registers - <b>Form - VI</b>
17	P.W. ACT	MONTHLY	Register of Fines – <b>Form - I</b>
18	P.W. ACT	MONTHLY	Deduction and Damages - <b>Form - II</b>
19	P.W. ACT	MONTHLY	Register of Advances - <b>Form - III</b>
20	P.W. ACT	MONTHLY	Notice of Rate of Wages- <b>Form - VI</b>
21	EPF ACT	MONTHLY	EPF Challan on or before 15 <sup>th</sup> of Succeeding Month
22	ESI ACT	MONTHLY	ESI Challan on or before 21 <sup>st</sup> of Succeeding Month



**NOTICE BOARD DISPLAY COPY**

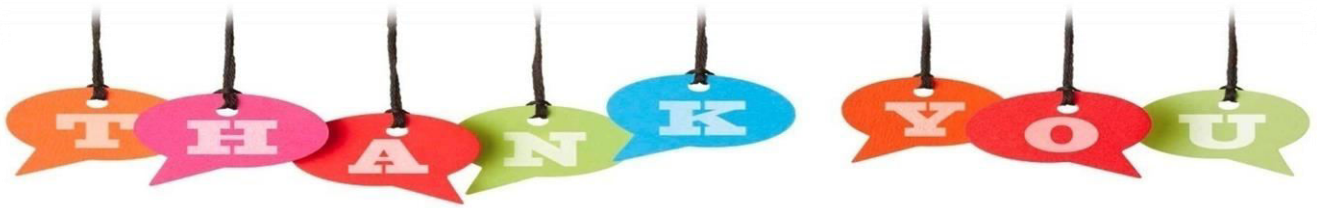
23	MA.NO.BO	ONGOING	Abstract of the Maternity Benefit Act – <b>FORM - J</b>
24	S & E Act	ONGOING	Notice of Daily Hours of Work, Rest Interval Weekly Holiday – <b>FORM - S</b>
25	GRA. NO. BO	ONGOING	Abstract of the Gratuity Act – <b>FORM - U</b>
26	P.W.NO.BO	ONGOING	Abstract of the Payment of Wages Act - <b>FORM - V</b>
27	M.W. NO.BO	ONGOING	Abstract of the Minimum Wages Act - <b>FORM - X</b>
28	N.F.H.ACT	ONGOING	Display of list of Holidays under National and Festival Holiday Act – <b>FORM- V</b>
29	P.W. ACT	ONGOING	Notice of Rate of Wages under Payment of Wages Act <b>Form – VI</b>
30	CL NO.BO	ONGOING	Abstract of the Contract Labour Act - <b>Rule -79</b>
31	GRA.ACT	ONGOING	Display of Notice - Authorized by the employer to receive Notice - <b>Rule - 4</b>
32	Min Wages	ONGOING	Inspectors Details- under the payment of minimum wages Act – <b>Rule - 22(10)</b>
33	N.F.H.ACT	ONGOING	Proceeding number received from Labour department- under the National and Festival Holidays Act – <b>FORM - III</b>
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 - <b>Rule 10 of Annexure - A</b>
35	S & E Act	ONGOING	Displayed in Entrance of Company - <b>COMPANY NAME BOARD IN TAMIL &amp; ENGLISH</b>

**Quarterly Return [Due Date – 30<sup>th</sup> Apr 2017]**

S.No	Act	Frequency	Principle Employer
1	E E Act	Quarterly	To be Submitted to Local Employment Exchange <b>Form ER – 1</b>
2	LWF	Quarterly	Register of fines and unpaid accumulation - <b>Form C</b>

**Disclaimer**

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