

NEWSLETTER

OCTOBER 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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**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.



Form-II-Rule 18 (1)-Certificate of Registration to Principal Employer

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/1.Form-II-Rule-18-1-Certificate-of-Registration-to-Principal-Employer.pdf>.

24-Form-XXIV-Rule 82 (1)-Half Yearly Return-Contractor

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/2.24-Form-XXIV-Rule-82-1-Half-Yearly-Return-Contractor.pdf>.

Inviting Suggestions on The Contract Labour Amendment Bill 2017

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/Filling-of>ReturnsTransmitting-details-of-Members-Account-Electronically-and-bette-Manangement-of-Investment-made-by-the-Trust-of-Exempted-Establishments-1.pdf>.

Processing of F-10 D by accounts section and furnishing of claim paper to pension section

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/4.Processing-of-F-10-D-by-accounts-section-and-furnishing-of-claim-paper-to-pension-section.pdf>.

2018 GOVERNMENT HOLIDAYS

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/2018-GOVERNMENT-HOLIDAYS.pdf>.

25-Form-XXV-Rule 82 (2)-Annual Return-By Principal Employer

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/3.25-Form-XXV-Rule-82-2-Annual-Return-By-Principal-Employer.pdf>.

EPFO\_ Housing scheme

[http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/EPFO\\_Housing-scheme.pdf](http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/EPFO_Housing-scheme.pdf).

Filing of Returns, Transmitting details of Members' Account Electronically and Bette Management of Investment made by the Trust of Exempted Establishments

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/Filing-of-ReturnsTransmitting-details-of-Members-Account-Electronically-and-bette-Manangement-of-Investment-made-by-the-Trust-of-Exempted-Establishments.pdf>

License-Fees-Revised-GO-No.MS\_.126-Labour-and-Employment-M2-dated-27.09

[http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/License-Fees-Revised-GO-No.MS\\_.126-Labour-and-Employment-M2-dated-27.09.pdf](http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/License-Fees-Revised-GO-No.MS_.126-Labour-and-Employment-M2-dated-27.09.pdf)

Labour & General Laws 3

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/Labour-General-Laws-3-1.pdf>

Ministry of Labour Employment

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/Ministry-of-Labour-Employment.pdf>

Minimum Wages Notificatin

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/Minimum-Wages-Notificatin.pdf>

PMRPY

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/Minimum-Wages-Notificatin.pdf>

The-Contract-Labour-Amendment

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/The-Contract-Labour-Amendment.pdf>.

Tripura Minimum Wage

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/Tripura-Minimum-Wage.pdf>.

ER II Returns Exempted

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/ER-II>Returns-Exembed.jpg>.

KERALA 2018 GOVERNMENT HOLIDAYS

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/KERALA-2018-GOVERNMENT-HOLIDAYS.pdf>.

The-Contract-Labour (REGULATION AND ABOLITION) HARYANA AMENDMENT...26-Oct-

<http://vmlegalassociates.com/vmlegal/wp-content/uploads/2017/10/The-Contract-LabourREGULATION-AND-ABOLITION-HARYANA-AMENDMENT...26-Oct-17.pdf>.



## **Case Laws**

When the accident has a causal connection with the employment, it must be taken to have taken place in the course of employment. If the injury has resulted from some risk incidental to the duties of service, it is reasonable to believe that the employee would not otherwise have suffered. When the nature of his employment makes it necessary for employee to be at the place of accident, it would be construed that the accident took place in the course of employment.

A settlement between employer and employees through Union or otherwise under Section 18 (1) of the Industrial Disputes Act, 1947, would be binding on all the parties to it. Settlement between employer and Union is binding upon workman who was not member of the Union, as per Section 18 (8) of the Sick Industrial Companies (Special Provisions) Act, 1985.

**SUPREME COURT OF INDIA - Kanpur Fertilizers & Cement Ltd., Vs. State of UP  
- 2017 LLR - 1044**

Transfer Order of an employee enjoying a transferable post cannot be stayed on account of family difficulties. However, the employer is to ensure that due to transfer the employee does not suffer any financial loss. An employer is liable to help the employee appropriately for facing family difficulties at the place of transfer.

**CALCUTTA HIGH COURT - SriManikMondal Vs. Union of India – 2017 – LLR  
1031**

If an establishment does not fall in “Scheduled Employment” to the Act, as notified, the provisions of the Minimum Wages Act, 1948 would not be applicable to it. When the provisions of the Act are not applicable to an establishment, criminal prosecution, launched for breach of provisions of the Act, would not be applicable. Initiation of criminal prosecution against an officer of the employer, not covered under the applicable laws, is an abuse of process of the court.

**PATNA HIGH COURT – Bishnu Kumar SurekaVs. State of Bihar – 2017 – LLR  
1039**

On the basis of employment of aged persons, the employer cannot secure exemption from the applicability of the EPF Act.

**Madras High Court – Indian Officers’ Association Vs. APFC – 2017 – LLR – 1110**

ICC is required to formulate a definite conclusion in its finding in the inquiry report since the same is the requirement as per provisions of Section 13 (3) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. ICC have to follow the procedure of conducting enquiry to meet the requirement of principles of natural justice as well of the provisions of the Act and Rules, if any framed thereunder.

**DELHI HIGH COURT – Ashok Kumar Singh Vs. University of Delhi – 2017 – LLR  
1014**



# 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</b> Rules
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 15 <sup>th</sup> of Succeeding Month

**NOTICE BOARD DISPLAY COPY**

1	MA.NO.BO	ONGOING	Abstract of the Maternity Benefit Act – <b>FORM - J</b>
2	S & E Act	ONGOING	Notice of Daily Hours of Work, Rest Interval Weekly Holiday – <b>FORM - S</b>
3	GRA. NO. BO	ONGOING	Abstract of the Gratuity Act – <b>FORM - U</b>
4	P.W.NO.BO	ONGOING	Abstract of the Payment of Wages Act - <b>FORM - V</b>
5	M.W. NO.BO	ONGOING	Abstract of the Minimum Wages Act - <b>FORM - X</b>
6	N.F.H.ACT	ONGOING	Display of list of Holidays under National and Festival Holiday Act – <b>FORM- V</b>
7	P.W. ACT	ONGOING	Notice of Rate of Wages under Payment of Wages Act <b>Form – VI</b>
8	CL NO.BO	ONGOING	Abstract of the Contract Labour Act - <b>Rule -79</b>
9	GRA.ACT	ONGOING	Display of Notice - Authorized by the employer to receive Notice - <b>Rule - 4</b>
10	Min Wages	ONGOING	Inspectors Details- under the payment of minimum wages Act – <b>Rule - 22(10)</b>
11	N.F.H.ACT	ONGOING	Proceeding number received from Labour department- under the National and Festival Holidays Act – <b>FORM - III</b>
12	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>
13	S & E Act	ONGOING	Displayed in Entrance of Company - COMPANY NAME BOARD IN TAMIL & ENGLISH
14	SHW	ONGOING	Abstract of the Sexual Harassment of Women At Workplace (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013
15	SHW	ONGOING	List of Internal Complaints Committee members available and Displayed in the notice board.

**DUE DATE FOR FILLING OF RETURNS – 31.10.2017**

ACT	FREQUENCY	DETAILS
S & E Act	<b>Monthly</b>	<b>Copy of Form -S - for addition and deletion for the month to be send to the office of the Assistant Inspector of Labour and Inspector of</b>
QUARTERLY RETURNS [DUE DATE– 31.10.2017]		
ACT	FREQUENCY	DETAILS
E E Act	<b>Quarterly</b>	<b>To be Submitted to Local Employment Exchange Form ER-1</b>
LWF	<b>Quarterly</b>	<b>Register of fines and unpaid accumulation – FORM C</b>



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**(Advocates & Solicitors)**

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