



THE LABOURTORIALS™

P. K. AGARWAL &
ASSOCIATES
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Monthly updates on Industrial and Labour Laws

AUGUST 2021
VOL. 2, ISSUE 1

 MINISTRY OF
LABOUR & EMPLOYMENT
GOVERNMENT OF INDIA



Shri Bhupender Yadav

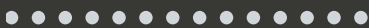
appointed as Union Cabinet Minister
Ministry of Labour and Employment
Government of India



Besides Sh. Bhupender Yadav, Lok Sabha member Rameswar Teli took over as Minister of State for Labour and Employment.

Along with the Labour Ministry, the team of The Labourtorials and all its readers welcome them!

Word of the month:



COLLECTIVE BARGAINING-

Method of determining wages, hours and other conditions of employment through direct negotiations between the union and the employer. Normally the result of collective bargaining is a written contract which covers all the employees in the bargaining unit, both union members and non-members.

KEY HIGHLIGHTS

LATEST FROM THE SUPREME COURT OF INDIA

- "RTI replies not very reliable, do not cite RTI documents." SC observes

LATEST FROM THE HIGH COURTS

- Karnataka becomes the first State to provide reservations to Transgender persons in public employment.

LATEST FROM THE CENTRAL GOVERNMENT

- A Centralized Public Grievance Redress And Monitoring System (CPGRAMS) has been established by the Government of India.

LATEST FROM THE STATE GOVERNMENTS

- Govt. of Delhi issued Notification regarding maintenance of records and registers in electronic form under existing labour laws.

FROM THE VAULT

- Advantage India- Your next business destination.

LATEST FROM THE SUPREME COURT OF INDIA

"RTI replies not very reliable, do not cite RTI documents:" Supreme Court observes

The observation was made by a Bench of Justices AM Khanwilkar and Sanjiv Khanna while hearing an appeal against an order of the Allahabad High Court.

Information obtained through the Right to Information Act (RTI Act) need not necessarily be reliable and lawyers should refrain from citing the same as 'authorities' while arguing cases, the Supreme Court orally remarked (**Ashish Kumar Saxena vs State of UP**).



The Hon'ble Supreme Court of India

LATEST FROM THE HIGH COURTS

Karnataka becomes the first State to provide reservations to Transgender persons in public employment.

The Karnataka High Court was informed that amendments have been made to the Karnataka Civil Services General Recruitment (Rules), 1977 for effecting the reservation. Karnataka Govt. has made provision for one percent horizontal reservation for transgender persons in government employment.

High Courts of few states have extended life of interim orders.

High Court of Delhi	- 13th August
High Court of Madras	- 31st August
High Court of Calcutta	- 20th August
High Court of Bombay	- 13th August
High Court of Allahabad	- 17th August

KSEB can't make deductions from pension for contribution to CM Relief Fund without retiree's consent: Kerala HC

The petitioners have, through the writ petition (**Rajan EG Vs. Kerala State Electricity Board Ltd.**), brought to the notice of this Court a compelling issue with respect to the payment of pension in the services of the Kerala State Electricity Board; alleging that, under the aegis of a "Vaccine Challenge" coalesced to the Chief Minister's Relief Fund, certain portion of their pension is being

now withheld.

The petitioners specifically alleged that they had not agreed to any contribution to be made to the afore "Challenge"; nor have they consented that their pension be reduced in any manner for such purpose.

The Hon'ble Court ruled that "Normally, any contribution to the Chief Minister's Relief Fund or such other can be effected only

with full volition of the contributor and cannot be a matter of compulsion or forced compliance, unless there is a valid law which sanctions such."

The Court ordered the Kerala State Electricity Board to refund any money deducted by them from amount payable to pensioners.

[Click here](#) to read the judgment.

LATEST FROM THE CENTRAL GOVERNMENT

Labour codes, jobs top priority- New Labour Minister Sh. Bhupender Yadav - Economic Times

The roll-out of the four labour codes at the earliest to enhance ease of doing business in the country and a big push to job creation will be the top priority of the new labour and employment minister Bhupender Yadav, who took charge from Sh. Santosh Kumar Gangwar on 08.07.2021.

“The minister, after taking over charge on Thursday, took stock of ongoing, pending, and burning issues in the labour ministry,” a labour ministry statement said soon after Yadav took charge.

He has also directed all the senior officers to openly share and discuss with him any new ideas that come to their mind, so that suitable policies and schemes can be devised and implemented for millions of workers, both in the organized and unorganized sectors, the ministry said.

The Centre is ready with the rules for the four codes, passed by the Parliament last year, but is waiting for states to finalize those in their domain to avoid any legal void once the codes are fully

implemented.

Sh. Yadav, who is a Supreme Court lawyer, has chaired several crucial parliamentary committees and is currently the chairman of Rajya Sabha Select Committee on Surrogacy (Regulation) Bill, 2019. Born in Ajmer, Rajasthan in 1969, he is a member of parliament in the Rajya Sabha representing the state of Rajasthan since 2012. He was the chairman of the joint committee on Insolvency and Bankruptcy Code, 2015.

A Centralized Public Grievance Redress And Monitoring System (CPGRAMS) has been established by the Government of India.

The govt. wants people to use this tool to highlight the problems they faced while dealing with Govt. officials or departments like: Railways, Posts, Telecom, Urban Development, Petroleum & Natural Gas, Civil Aviation, Shipping, Road Transport & Highway, Tourism, Public Sector Banks, Public Sector Insurance Companies, National Saving Scheme of Ministry of Finance, Employees' Provident Fund Organization, Regional Passport Authorities, Central Government Health Scheme, Central Board of Secondary Education, Kendriya Vidyalaya Sangathan, National Institute of Open Schooling, Navodaya Vidyalaya Samiti, Central Universities, ESI Hospitals and Dispensaries directly controlled by ESI Corporation under Ministry of Labour.

This is an extremely active grievance forum introduced for the convenience of the Public.

CPGRAMS can also be approached through UMANG App.

[Click here](#) to visit the portal.



The advertisement features a banner with the text "Grievance Redressal on UMANG App" in white on an orange background. Below the banner, there are three screenshots of the app's interface. The first screenshot shows the app's home screen with a search bar and a "Lodge Grievance" button. The second screenshot shows the "Centralized Public Grievance Redress and Monitoring System (My Grievance)" screen with options for "Lodge Grievance", "View Status", "User Registration", and "My Profile". The third screenshot shows the "Login" screen with fields for "Mobile Number" and "Password", and buttons for "Remember Me", "Forgot Password", "Cancel", "Login", and "New User".

Now you can lodge your grievances and view their status through Public Grievance Redressal and Monitoring System available on UMANG App

ESI & PF UPDATES

Notification to extend provisions of ESI Act to casual and contractual workers of Municipal Corporations of Delhi.

The Employees' State Insurance Corporation extends w.e.f. the 1st day of August 2021, provisions of the Act to the establishments wherein ten or more persons are employed or were employed on any day of the preceding twelve months, namely:-Municipal Corporations/ Council, established under Central/ State legislation in all the areas in National Capital Territory of Delhi where Employees' State Insurance Act, 1948 has already been brought into force under Sub-Section (3) of Section 1 of the Act.

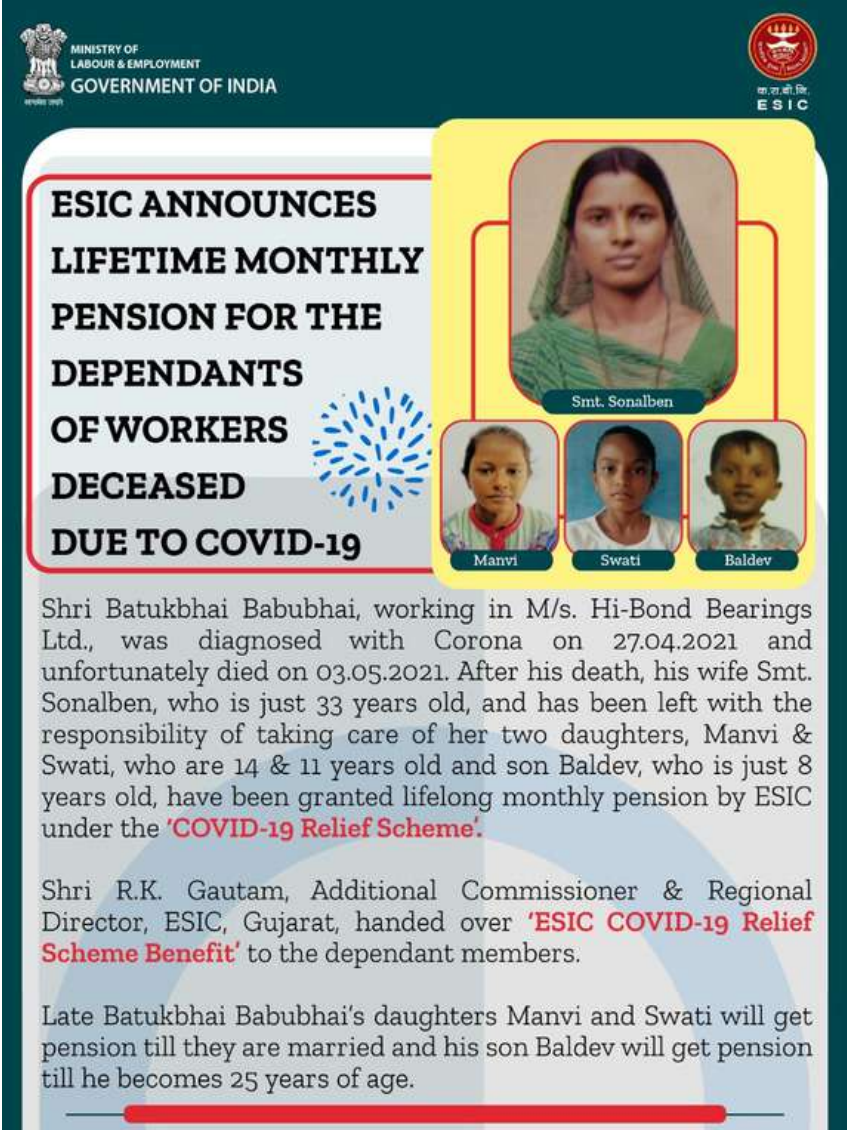
The Act applies to all casual and contractual employees.

[Click here](#) to read the notification.

Advisory to avoid fraud in EPFO while settlement of claims & others.

The Employees' Provident Fund Organisation, Ministry of Labour and Employment has issued Advisory guidelines to avoid fraud in EPFO while settlement of claims.

[Click here](#) to read the advisory extensively.



The graphic is a vertical poster with a dark green background. At the top left is the Government of India logo and 'MINISTRY OF LABOUR & EMPLOYMENT GOVERNMENT OF INDIA'. At the top right is the ESIC logo. The main text, in white and yellow, reads: 'ESIC ANNOUNCES LIFETIME MONTHLY PENSION FOR THE DEPENDANTS OF WORKERS DECEASED DUE TO COVID-19'. To the right of the text is a photo of Smt. Sonalben and three photos of her children: Manvi, Swati, and Baldev. Below the photos, the text reads: 'Shri Batukbhai Babubhai, working in M/s. Hi-Bond Bearings Ltd., was diagnosed with Corona on 27.04.2021 and unfortunately died on 03.05.2021. After his death, his wife Smt. Sonalben, who is just 33 years old, and has been left with the responsibility of taking care of her two daughters, Manvi & Swati, who are 14 & 11 years old and son Baldev, who is just 8 years old, have been granted lifelong monthly pension by ESIC under the 'COVID-19 Relief Scheme'. Shri R.K. Gautam, Additional Commissioner & Regional Director, ESIC, Gujarat, handed over 'ESIC COVID-19 Relief Scheme Benefit' to the dependant members. Late Batukbhai Babubhai's daughters Manvi and Swati will get pension till they are married and his son Baldev will get pension till he becomes 25 years of age.'

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- On the employer portal of Employees Provident Fund, you can click on the Active member option and see the list of employees' and whether their Aadhar is verified or not.
- CLC reviews implementation of Labour Laws and new Labour Codes at Zojila Pass and Kargil - News through PIB
[Click here](#) to know more.
- The Ministry of Micro, Small and Medium Enterprises on 2nd July 2021 has revised guidelines for MSMEs with the inclusion of Retail and Wholesale trades as MSMEs. The Retail and wholesale trades will be now be allowed to register on Udyam Registration Portal.

LATEST FROM THE STATE GOVERNMENTS

Govt. of Delhi issued Notification regarding maintenance of records and registers in electronic form.

In furtherance of section 4 read with section 81 of Information Technology Act 2000, the establishments can maintain their mandated records and registers under existing labour laws in electronic form also.

Further, the establishments may adopt a 'common display' for compliance under existing labour laws.

[Click here](#) to read the list of compliances that can be commonly displayed.

Govt. of U.P. exempts shops and establishment from renewal of Registration Certificate.

The Govt. of Uttar Pradesh amends Section 4 C of the Uttar Pradesh Dookan Aur Vanijya Adhishthan (Sanshodhan) Vidheyak, 2019.

The amended provision reads as " The registration certificate granted under section 4-B shall be valid for the duration for which the shops and commercial establishment is in existence".

[Click here](#) to read the notification.

Amendment Notification under the Karnataka Shops and Commercial Establishments Act, 1961

The Govt. of Karnataka has made the following amendments:

For Para 4 of the said notification, the following shall be substituted.

"(4) No employee in any establishment shall be required or allowed to work for more than nine hours on any day and forty eight hours in any week.

Provided that, the total number of hours of work including over time shall not exceed ten hours in any day except on the day of stock-taking and preparation of accounts.

Provided further that, the total number of overtime hours worked by an employee does not exceed fifty hours in a period of three continuous months".

[Click here](#) to read the notification.

Government of Bihar notifies Migrant Labour Accident Grant scheme.

The scheme applies to workers of the unorganized sector working outside the state of Bihar or abroad at the age of 18-65 years.

Under this scheme, in case of death of a migrant labourer Rs. 1 Lakh, in case of complete disability Rs. 75,000, and in case of partial disability Rs. 37500 is given by the Bihar Government as compensation to the state migrant labourers. Accident due to train or road accident, electric shock, hand cutting, drowning, fire, falling from tree or building, attack by wild animals. Terrorist or criminal attacks are also included in the scheme.

[Click here](#) for further details.

Amended notification of the Goa Factories (Fifteenth Amendment) Rules, 2021 (dated - 15.07.2021)

Certain vital amendments have been made to the Goa Factories Rules, 1985.

[Click here](#) to read the amendments extensively.

Amended notification of the Contract Labour (Regulation and Abolition) (Gujarat Amendment) Rules, 2021

Along with certain deletions in the said rules, Rule 82 shall be substituted namely: "82, every establishment/contractor/principal employer shall file the consolidated annual return in Annexure - V as prescribed under Self Certification - cum-Consolidated annual return scheme under the Gujarat Labour Laws (Amendment) Act, 2015 along with required document and information. The return can be filed online between 1st January and 1st March every year". [Click here](#) to read the notification.

Amended notification of the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) (Gujarat) (Amendment) Rules, 2021

[Click here](#) to read the notification.

ADVANTAGE INDIA – YOUR NEXT BUSINESS DESTINATION

India is one of the fastest-growing economies in the world. It is continuously providing economic liberalization and allowing foreign investors more access to its vast market, large young population, and a large pool of employable talents. The current government has the absolute majority providing political stability and broad consensus on ongoing business reforms. This is emerging as a big advantage for doing business in India.



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Founder of NUMANTA CFO. Numanta CFO is an outsourced CFO company serving to all businesses passionate about growth new start-ups SMEs, and multinational corporations. Visit him at: numanta.in

5 Reasons you should do business in India

1. Large Employable Talent
2. Big Market Increasing Demand
3. Cost-Effective
4. English as the Second Language
5. Ease of Doing business

1. Large Employable Talent:

India has about 600 million people and more than half of its population is less than 25 years. No country has such a large chunk of young population. About 28 million people graduate every year and this number is growing. New India is looking forward to bring India to the world map of economic advantages.

2. Big Market, Increasing Demand:

Global corporations view India as one of the key markets to drive future growth. The growth in India's consumer market would be primarily driven by a favourable population composition and increasing disposable income. The per capita GDP of India is expected to reach US\$ 3,273 by 2023 compared with US\$ 1983 in 2012.

3. Cost-Effective:

The cost of basic amenities required for a business is lower in India in comparison to other countries whether it is rental space, manpower, food, transportation, internet or even staying cost. Everything is much more affordable and a variety of options are available as compared to many developed nations.

4. English Language:

India now claims to be the second-largest English-speaking country in the world, second only to the US. According to a study India has 125 million English-speaking people which is around 10% of its population which is expected to increase 4 times in the next decade. English is business as well as the official language at places which helps you break the communication barriers and make things easier for you.

5. Ease of Doing Business:

Continuous business reforms by Modi Govt. has helped India jump 14 places over last year. India now moved to 63rd position in this year's global ease of doing business ranking. India was 77th among 190 countries in the ranking last year. According to a world bank study, with new reforms during the past year, India earned a place among world's top 10 improvers for the third consecutive year.

Contd...

Adding to it, in the pandemic of Covid-19 India saw a lot of investment in the country. Large business entities brought their manufacturing units to the country. There were 'n' number of incentives to support and encourage industrial development in India. PM has encouraged people to "MAKE IN INDIA" to make it "Atmanirbhar Bharat".

Hence, for the visionaries and strategists there is a huge scope to establish and run the business with maximum profits and infinite scope of expansion.



REVISED MINIMUM WAGES

State Govts. have revised the Variable Dearness Allowance (VDA) resulting in an overall increase in the rates of Minimum wages given to different categories of employees. The chart shows the states with the dates from which these rates are coming into effect.

S.NO.	STATE	W.E.F.	CLICK HERE TO VIEW NOTIFICATION
1.	West Bengal	01.06.2021-31.12.2021	Government Notification
2.	Tripura (Mechanical Workshops)	01.01.2021	Government Notification
3.	Tripura (Petrol Pumps)	01.01.2021	Government Notification
4.	Tripura (Private Security Guard)	01.01.2021	Government Notification
5.	Tripura (Safai Karamchari)	01.01.2021	Government Notification
6.	Tripura (Agriculture)	01.01.2021	Government Notification
7.	Tripura (Beedi Industry)	01.01.2021	Government Notification
8.	Tripura (Rubber Plantation)	01.01.2021	Government Notification
9.	Tripura (Rice Mill)	01.01.2021	Government Notification
10.	Tripura (Hotel & restaurant)	01.01.2021	Government Notification
11.	Tripura (Stone breaking and stone crushing)	01.01.2021	Government Notification
12.	Kerala	May, 2021	Government Notification
13.	Rajasthan	01.07.2020	Government Notification

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P.K. Agarwal & Associates deals in :

- Compliance under all labour related statutes;
- Drafting and vetting of appointment Letters, agreements, standing orders, notices, and such other documents required by the establishment in lieu of employer-employee relationship;
- Handling of court cases under all the labour statutes before Labour Inspectors, Officers, Commissioners, Tribunals, District Courts as well as High Court and Supreme Court; and
- Providing time to time consultancy on all labor-related matters.

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