

LEXPLOSION
INNOVATING LEGALLY!



Yearly Regulatory Round-up 2023



Indranil Choudhury
Founder, CEO & Board
Member



As 2023 draws to a close, I'm filled with immense gratitude for your unwavering partnership and trust. Your belief in Lexplosion has ignited our growth, and two recent awards serve as powerful testaments to this journey.

Awards, but not our end goal: Receiving the 'Legal-tech Company of the Year 2023' award at the UBS Forums and the 'Excellence in Legal Tech 2023' from The Economic Times is truly humbling. But these accolades do more than celebrate our present; they validate our unwavering vision – making law inclusive and accessible for businesses of all sizes.

Why we innovate: We understand the complexities businesses face navigating the evolving legal landscape. Legal expertise has traditionally been confined to a select few, leaving many grappling with compliance and its impact on their success. At Lexplosion, we believe everyone deserves access to clear legal guidance, not just the fortunate few.

Technology as the bridge: To democratize law, we marry legal expertise with powerful technology. This union of law and technology gave birth to Komrisk, one of India's first comprehensive cloud-based compliance management solutions. Subsequently, we also introduced other legal-tech solutions like Komplify – an automated compliance tool for MSMEs, Komtrakt – an automated contract management solution and Komlit – an all-in-one litigation case management solution.

Our commitment continues: Our work doesn't stop here. We will continue to push boundaries, leveraging technology to make diverse areas of law inclusive. We will attract the brightest minds across law, technology, and management to fuel our innovations and stay committed to our core values of excellence, integrity, and client-centricity.

A shared journey: As we celebrate these milestones, we want to express our deepest gratitude to our clients, partners, employees and well-wishers for being an integral part of our journey. Thank you for your continuous trust and partnership.

Let's carry this momentum into the new year.





Antara Dasgupta
Head – Content & Updates



As we recap the regulatory changes which took place in the year 2023, we notice that while the thrust has continued to remain on ease of doing business by simplifying procedures,

rationalizing laws by repealing, amending or subsuming redundant laws, decriminalization of offences etc., the focus has also been towards ensuring protection of consumer interests, accessibility and inclusiveness, environmental sustainability and technological governance.

In an aim to align various legislative frameworks with the goal of ease of doing business, reducing imprisonment risks for violations etc., the Jan Viswas (Amendment of Provisions) Act, 2023 was notified which triggered amendments to the Legal Metrology, Cable Television Networks, Environment (Protection) Act, 1986 and PLI Act etc.

In a concerted effort to enhance accessibility and inclusion for persons with disabilities across various sectors, encompassing transportation, cultural activities, healthcare, sports facilities, and port infrastructure changes to the Rules are underway. Further, FSSAI introduced provisions to facilitate equal participation of the women and transgender entrepreneurs in Food Business Sector.

This year SEBI introduced BRSR Core, along with ESG disclosures for the value chain of listed entities with the objective of enhancing transparency, disclosure, and accountability in ESG aspects of listed entities. We also noticed SEBI's attempt to consolidate master circulars on Stock-Brokers, Alternative Investment Funds etc. to simplify and streamline guidelines, making it easier for market participants to navigate and adhere to regulatory requirements.

Realizing that celebrities, influencers, and virtual influencers have the power to influence purchasing decisions the Consumer Affairs Dept. have enacted laws to regulate endorsements and promotional activities by celebrities, influencers, and virtual influencers.

We noticed several initiatives by the FSSAI which collectively contribute to maintaining food safety standards, enhancing regulatory compliance, and ensuring the welfare of consumers in the food industry be it by special enforcement drives to check adulteration of various food items during festive seasons to instant renewal of License/Registration for FBOs.



Apart from its efforts in bringing in further changes to the E-waste, batteries and plastic waste management Rules, the MoEFCC has rolled out Rules for managing, storing and utilizing reject water generated by Water Purification Systems; casts obligations on users/manufacturers/importers of RO-based water purification systems.

In a measure to regulate and ensure the quality of online degree and diploma programs offered in collaboration with foreign institutions, foreign higher education institutions must obtain prior approval from UGC before offering any programs in India. This includes refraining from engaging in franchise arrangements with higher educational institutions in India.

While the President has assented to the law to govern Digital Personal Data Protection, Telecommunication, Mediation, the Indian Penal Code, Evidence Act etc., in the year 2023 the implementation dates are awaited.

With the aim of improving governance and facilitating a more efficient legal environment, the Government has notified the Repealing and Amending Act of 2023 to eliminate redundant and obsolete laws such as the Telegraph Wires (Unlawful Possession) Act, 1950, Land Acquisition (Mines) Act, 1885 etc.

We take this opportunity to introduce our new service line - Legal Services. Our team of seasoned legal professionals are geared to navigate the intricacies of legislative changes, providing you with comprehensive solutions to stay compliant and ahead of the curve. Whether you are a business navigating regulatory changes or an individual seeking legal guidance, our Legal Services are designed to cater to your specific needs. While the changes we have covered in this round-up have happened during this year, they will impact organizations in 2024 and beyond.

Wishing everyone a safe, healthy and compliant 2024.



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Repealing and Amending Act of 2023 notified by the Ministry of Law and Justice

The Ministry of Law and Justice has notified the Repealing and Amending Act of 2023 ("Act"), effective immediately.

This Act lists the repealed enactments under the First and Second Schedules of the Act. The repeal of these specific enactments will not impact any other enactment in which the repealed enactment is applied/incorporated/referred. Some of the repealed enactments are as follows:

1. The Companies (Amendment) Act, 2017
2. The Special Economic Zones (Amendment) Act, 2019
3. The Insolvency and Bankruptcy Code (Amendment) Act, 2018
4. The Insolvency and Bankruptcy Code (Amendment) Act, 2019
5. The Delhi Motor Vehicles Taxation (Amendment) Act, 1983
6. The Aadhaar and Other Laws (Amendment) Act, 2019

Furthermore, in accordance with the provisions set forth in the Third Schedule of the Act, amendments have been made to the Factoring Regulation Act, 2011.

Source: [Ministry of Law and Justice](#)

Amendments which have gained effect pursuant to Jan Vishwas (Amendment of Provisions) Act, 2023

- [Legal Metrology Act 2009 pursuant to Jan Vishwas \(Amendment of Provisions\) Act, 2023](#)
- Cable Television Networks (Regulation) Act, 1995 pursuant to Jan Vishwas (Amendment of Provisions) Act, 2023
- [Air \(Prevention and Control of Pollution\) Act, 1981 pursuant to Jan Vishwas \(Amendment of Provisions\) Act, 2023](#)
- Environment (Protection) Act, 1986 pursuant to Jan Vishwas (Amendment of Provisions) Act, 2023
- [Public Liability Insurance Act, 1991 pursuant to Jan Vishwas \(Amendment of Provisions\) Act, 2023](#)





ASCI issues Guidelines for Qualifications of Brand Extension-Product or Service

The Advertising Standards Council of India (“ASCI”) has issued guidelines to introduce certain criteria to be fulfilled by a correct brand extension product or service. The Guidelines will help to evaluate the genuineness of an unrestricted product, or service brand extension of a product (e.g., liquor and tobacco) whose advertising is prohibited by law.

Details of the Qualifications for a correct brand extension product or service:

1. Brand extension product or service should be registered with appropriate Government authority e.g., Goods and Service Tax (“GST”) / Food and Drug Administration (“FDA”) / Food Safety and Standards Authority of India (“FSSAI”) / Trademark (“TM”), etc.
2. For a brand that is present in the market for 2 years and above, the following criteria would apply:
 - a. Sales turnover of the product or service should exceed ‘Rs. 5 crore per annum’ nationally, or ‘Rs 1 crore per annum’ per state, where distribution has been established.
 - b. A valid certificate from an independent organisation such as NielsenIQ or category - specific industry association, or an independent and reputed Chartered Accountant (“CA”) firm would be required to prove the concerned criteria.
3. Brand extensions which have been launched in the market, but have not yet completed 2 years should meet any one of the following criteria:
 - a. Achieve a net sales turnover of ‘Rs. 20 lakhs’ per month from launch. Such sales should not be to a subsidiary or sister concern.
 - b. Demonstrate fixed asset investments which are exclusive to the advertised brand extension of not less than ‘Rs. 10 crores’. Such assets could be land, machines, factory, software, etc., in case the product is being manufactured / developed by the advertiser. No advertising related expense should be part of such investments.
 - c. In case the manufacturing/procurement of such brand extensions is being outsourced, then evidence can include board resolutions and purchase orders for long term (More than 1 year) contracts with service providers / manufacturing entities, stating their capacities, and contracted volumes / Rupee value, which clearly demonstrate the possibility of achieving the above turnover criteria.





- d. Give evidence of turnover greater than '10%' of the turnover of the same brand in the restricted category (including sub brands in the restricted category).
4. The scale of advertising for such an extension should be proportionate to the sales of that extension. Hence the advertising budget for such a brand extension should not exceed '200%' of sales turnover in year one(1) and two (2) of launch, 100% in year 3, '50%' in year 4 and '30%' thereafter. For this purpose, the advertising budget would include:
 - a. Media spends across all media for the prior '12 months'.
 - b. Payments contracted to celebrities appearing in the ad and for brand endorsement, on annualised basis.
 - c. Annual average of money spent on advertising production for the brand in the previous '3 years'.
5. All the above evidence should be certified by a reputed and independent Chartered Accountant ("CA") firm.
6. Irrespective of the duration of time for which the brand has been present in the market, date of launch would be considered as the date of the first invoice for sale for the said brand extension.
7. For the purpose of this guideline, any variants launched under the said brand extension will not be treated as a fresh extension and the original date of the first brand extension would apply.
8. If a brand extension cannot meet the qualification criteria, for the purpose of the ASCI Code it would not be considered a genuine brand extension, but rather a surrogate created to advertise a restricted category.

Please click on the hyperlink below for a detailed read of the Guidelines.

Source: [The Advertising Standards Council of India](#)

Centre prohibits use of 'dark patterns' on e-commerce platforms: Applicable to sellers, advertisers and platforms systematically offering goods or services in India

The Central Consumer Protection Authority ("CCPA") has notified Guidelines for Prevention and Regulation of Dark Patterns, 2023 ("Guidelines") with a view to prohibit any person or platform from engaging in dark pattern practices. The Guidelines have gained effect since 30th November, 2023 applicable to all platforms which are systematically offering goods or services in India.





“Dark Patterns” have been defined to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights.

What qualifies as dark patterns are provided below:

- a. **False Urgency** - means falsely stating or implying the sense of urgency or scarcity so as to mislead a user into making an immediate purchase or take an immediate action, which may lead to a purchase.
- b. **Basket Sneaking** - means inclusion of additional items such as products, services, payments to charity/donation at the time of checkout from a platform, without the consent of the user, such that the total amount payable by the user is more than the amount payable for the product(s) and/or service(s) chosen by the user. Provided that the addition of free samples or providing complimentary services or addition of necessary fees disclosed at the time of purchase, shall not be considered basket sneaking.
- c. **Confirm shaming** - means using a phrase, video, audio or any other means to create a sense of fear or shame or ridicule or guilt in the mind of the user, so as to nudge the user to act in a certain way that results in the user purchasing a product or service from the platform or continuing a subscription of a service.
- d. **Forced Action** - mean forcing a user into taking an action that would require the user to buy any additional good(s) or subscribe or sign up for an unrelated service, in order to buy or subscribe to the product/service originally intended by the user.
- e. **Subscription Trap** - means the process –
 - of making cancellation of a paid subscription impossible or a complex and lengthy process; or
 - hiding the cancellation option for a subscription; or
 - forcing a user to provide payment details and/or authorization for auto debits for availing a free subscription
 - making the instructions related to cancellation of subscription ambiguous, latent, confusing, cumbersome
- f. **Interface interference** - means a design element that manipulates the user interface in ways that (a) highlights certain specific information; and (b) obscures other relevant information relative to the other information; to misdirect a user from taking an action desired by her.
- g. **Bait and switch** - means the practice of advertising a particular outcome based on the user’s action but deceptively serving an alternate outcome.
- h. **Drip pricing** - means a practice where by
 - elements of prices are not revealed upfront or are revealed surreptitiously within the user experience; or
 - revealing the price post-confirmation of purchase, i.e. charging an amount higher than the amount disclosed at the time of checkout; or





- a product or service is advertised as free without appropriate disclosure of the fact that the continuation of use requires in-app purchase; or
 - a user is prevented from availing a service which is already paid for unless something additional is purchased'
- h. Disguised advertisement - means a practice of posing, masking advertisements as other types of content such as user generated content or new articles or false advertisements, which are designed to blend in with the rest of an interface in order to trick customers into clicking on them.
- i. Nagging - means a dark pattern practice due to which a user is disrupted and annoyed by repeated and persistent interactions, in the form of requests, information, options, or interruptions, to effectuate a transaction and make some commercial gains, unless specifically permitted by the user.
- j. Trick Question - means the deliberate use of confusing or vague language like confusing wording, double negatives, or other similar tricks, in order to misguide or misdirect a user from taking desired action or leading consumer to take a specific response or action
- k. Saas billing - refers to the process of generating and collecting payments from consumers on a recurring basis in a software as a service (SaaS) business model by exploiting positive acquisition loops in recurring subscriptions to get money from users as surreptitiously as possible.
- l. Rogue Malwares - means using a ransomware or scareware to mislead or trick user into believing there is a virus on their computer and aims to convince them to pay for a fake malware removal tool that actually installs malware on their computer.

Background:

Earlier this year, in September 2023, the Department of Consumer Affairs sought feedback on the Draft Guidelines for Preventing and Regulating Dark Patterns, as detailed in the email trail. Now, the CCPA has officially notified the Guidelines for Preventing and Regulating Dark Patterns.

Source: **Central Consumer Protection Authority**

Centre notifies 'endorsement know-hows' / guidelines with a view to ensure that audiences are not misled by individuals: applicable to celebrities, influencers, virtual influencers on social media platforms

The Department of Consumer Affairs has notified 'Endorsements Know-hows' ("Guidelines") for celebrities, influencers, and virtual influencers on social media platforms with a view to ensure that individuals do not mislead their audiences when endorsing products or services and that they are compliant with the Consumer Protection Act and any associated rules or guidelines.

Key Highlights:

1. Who Should Disclose?





- a. Individuals/groups who have access to an audience and the power to affect their audiences' purchasing decisions or opinions about a product, service, brand, or experience, because of the influencer's/celebrity's authority, knowledge, position, or relationship with their audience.
- b. Celebrities
- c. Influencers
- d. Virtual Influencers

2. When to Disclose?

- a. When there is a material connection between an advertiser and celebrity/influencer that may affect the weight or credibility of the representation made by the celebrity/influencer.
- b. Material connection could include but is not limited to benefits and incentives, such as:
 - Monetary or other compensation;
 - Free products with or without any conditions attached, including those received unsolicited, discounts, gifts
 - Contest and sweepstakes entries
 - Trips or hotel stays
 - Media barter
 - Coverage and awards; or
 - Any family, personal or employment relationship

3. How to Disclose?

- a. placed in the endorsement message in a manner which is clear, prominent and extremely hard to miss
- b. superimposed over the image enough for viewers to notice
- c. made in both audio and video format
- d. displayed continuously and prominently during the entire stream
- e. in simple and clear language
- f. in the same language as the endorsement.

4. Due Diligence:

Celebrities/influencers are advised to always review and satisfy themselves if the advertiser is in a position to substantiate the claims made in the advertisement. It is also recommended that the product and service may actually be used or experienced by the endorser.

Source: [Department of Consumer Affairs](#)

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Telecommunications Act, 2023 receives President's assent; provisions will come into force through separate commencement notifications giving effect to different provisions of this Act

This is to inform that the Telecommunications Act, 2023 ("Act") has received the President's assent after being passed by both the Houses of the Parliament. The provisions of the Act will come into force once the Central Government notifies them in the Official Gazette and the Central Government may appoint different dates for giving effect to the different provisions of this Act.

Subscribe to our newsletter, we will keep you posted on further developments in this regard.

Source: Ministry of Law and Justice

Bharatiya Nyaya Sanhita receives President's assent

Bharatiya Nyaya Sanhita, 2023 has received President's assent on 25th December, 2023. It replaces Indian Penal Code and brings in several modifications in the criminal justice framework which include the following-

- Introduction of new offenses like cybercrime, medical negligence.
- Deletion of some offences like offence related to weights and measures.

From business perspective, Bharatiya Nyaya Sanhita retains offences for specific subjects which are covered under specific laws as well. Such offences include-

- Sale of adulterated or noxious food or drink (Food Safety and Security Act, 2006),
- Adulterated drugs (Drugs & Cosmetics Act, 1940),
- Forced labour (Bonded Labour System Act, 1976),
- Sexual offences by a person in authority/fiduciary relationship (POSH Act),
- Rash driving (Motor Vehicles Act, 1988),

Source: Ministry of Law and Justice



Digital Personal Data Protection Act, 2023 receives Presidential assent: commencement notifications expected to follow giving effect to different provisions of the Act

The Digital Personal Data Protection Act, 2023 (“Act”) (which was earlier passed by both Houses of Parliament) has received assent of the President of India.

The Act provides for processing of digital personal data in a manner which recognises the right of individuals to protect their personal data and the need to process such personal data for lawful purposes and for matters connected therewith or incidental thereto. Please refer to e-mails in trail for a detailed read.

Please note that the Centre is expected to follow this up with separate commencement notifications through the Official Gazette and appoint different dates to give effect to different provisions of the Act.

Source: Ministry of Law and Justice

We have conducted a webinar and written a [blog](#) on the same, you can check its details [from here](#).

MIB invites comments on Draft Broadcasting Services (Regulation) Bill; aims to provide a cohesive legal framework for diverse broadcasting services and promote ease of doing business

Source: [Ministry of Information and Broadcasting](#)

MoHFW invites comments on Draft National Pharmacy Commission Bill; aims to provide a cohesive legal framework for pharmacy professionals

The Ministry of Health and Family Welfare (“MoHFW”) has introduced the National Pharmacy Commission Bill 2023 (“The Draft Bill 2023”) proposing to replace the existing Pharmacy Act, 1948 (“Parent Act”).

The Draft Bill, 2023 has been introduced with the objective to:

- Provide pharmacy education system to improve quality and affordable pharmaceutical education.
- Make available adequate and high quality pharmacy professionals in all parts of the country
- Promote equitable and universal healthcare
- Make services of pharmacy professionals accessible to all citizens
- Promote national health goal
- Encourage pharmacy professionals to adopt latest pharmacy research in their work
- Conduct periodic and transparent assessment of pharmacy institutions
- Facilitate maintenance of a pharmacy register and enforce ethical standards
- Adapt to changing needs and has effective grievance redressal mechanism.





Key Highlights:

The Draft Bill, 2023 has introduced several new provisions and has made efforts to revamp the Parent Act. The critical aspects of the Draft Bill, 2023 are as follows:-

- **Establishment of Boards:** The Bill proposes to establish the following for the smooth functioning of the pharmacy system –
 1. National Pharmacy Commission and the following Boards thereunder:
 - I. Pharmacy Education Board
 - II. Pharmacy Assessment and Rating Board
 - III. Pharmacy Ethics and Registration Board
 2. State Pharmacy Chapter
 3. Pharmacy Advisory Council
- **Registration and Renewal:** The Bill, under Section 27, mentions that no person can practise as a pharmacy professional without obtaining a registration by enrolling in the National / State register.
- **Penalties:** Contravention of Section 27 may attract imprisonment for a term upto one year or fine upto five lakh rupees or both.

Please follow the hyperlink for a detailed read of the Draft Bill

Source – [Ministry of Health and Family Welfare](#)



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High Court of Punjab and Haryana strikes down Act prescribing Haryana's 75% reservation in private employment; holds Act unconstitutional, citing discrimination and violative of Fundamental Rights of Private Employer

In a recent judgement, while hearing petitions challenging the 75% reservation to locals in private sector jobs, the High Court of Punjab and Haryana (“HC”) has addressed a dispute under the Indian Constitution Act, 1950 (“Constitution”) and struck down the Haryana State Employment of Local Candidates Act, 2020, (“Act”), as unconstitutional. The HC cited a breach of Part III of the Constitution and held that 75% domicile reservation in private employment as violative of the fundamental right of private employers to engage in business and trade as provided under Article 19 of the Constitution and rendered the Act ineffective from the date of enforcement.

SC order maternity benefit must be provided to contractual employees even if the period of benefit extends beyond the term of contractual employment

In a recent case before the Supreme Court (“SC”), the issue was whether the maternity benefits, as contemplated in the Maternity Benefit Act, 1961 (“Act”), would apply to a lady employee appointed on contract if the period for which she claimed such benefits overshoot the contractual period. The SC, in its judgment, directed the employer to provide maternity benefit in accordance with Sections 5* and 8** of the Act, even after the contractual employment period came to an end. The SC emphasized that the law itself envisions the extension of these benefits beyond the employment term, highlighting that the entitlement to medical benefits specified under Section 5 of the Act extends beyond the employment duration.





Supreme Court refuses to extend its Sexual Harassment Regulation to gender-neutrals

In a recent judgment, the Supreme Court (“SC”) has examined the scope of bringing LGBTQIA+ persons under the ambit of “aggrieved woman” u/s 2(a) of the Gender Sensitization and Sexual Harassment of Women at the Supreme Court of India (Prevention, Prohibition and Redressal) Regulations, 2013 (“Regulations”) which was framed subsequent to the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. The SC refused to amend the Regulations and passed the following orders:

- a. “aggrieved woman” does not include person from LGBTQIA+ community. The court held that Section 2(a) of the Regulations is not adequate enough to include grievances and harassment of persons belonging to the LGBTQIA+ in the Supreme Court. The rationale given by the court to give a ‘strict interpretation’ of section 2(a) of the Regulations and rejecting the amendments is that if the amendments is allowed the whole purpose and object of the said Regulation will become ineffective. Thereafter, the focus will deviate from the actual objective which is ‘prevention of sexual harassment of women at workplace’.
- b. Court cannot force the executive and legislature to amend section 2(a) of Regulations. The referring to the case of State of Jammu and Kashmir vs A.R. Zakki (1992SC) state that issuing writ of mandamus would not impose duty to pass a legislation and this applies to the executive as well. The court further stated that a Writ Court cannot pass orders directing the Government to introduce a bill before the House of Legislature.

Surrogate Mothers and Commissioning Mothers are Entitled to Maternity Leave

The Rajasthan High Court (“HC”), in a recent case, ruled that mothers who opt for surrogacy must not face discrimination when it comes to Maternity Leave. The HC put emphasis that denying maternity leave of surrogate mothers or commissioning mothers would infringe their Right to Life as enshrined in Article 21 of the Constitution of India. Referring to various judgments of other High Courts, the HC declared that: “there can be no distinction be made by the State government between a biological mother and a mother who has begotten a child through the surrogacy method”.





KEY CORPORATE SECRETARIAL UPDATES

- SEBI introduces the BRSR Core and disclosures and assurance for the value chain of listed entities, as per the BRSR Core
- MCA further allows companies to conduct EGMs through Video-Conferencing / Other Audio-Visual means till 30th November, 2024
- SEBI issues revised framework requiring Stock Brokers (SBs)/Clearing Members (CMs) to upstream clients' funds to Clearing Corporations; replaces previous Circulars on this subject
- SEBI issues Circular on "Upstreaming of clients' funds by Stock Brokers/Clearing Members to Clearing Corporations"
- SEBI mandates opening of "Aggregate Escrow Demat Account" for holding demat units of AIFs on behalf of investors who have not provided their demat A/C details
- LLPs directed to maintain register of partners in registered office and fulfil declaration requirements in respect of beneficial interest in contribution for registered partners: MCA
- MCA provides option for merging of multiple existing user IDs in V3 portal or deactivation of old user IDs in V2
- SEBI develops framework for adoption of cloud services by SEBI Regulated Entities
- Listed Companies must issue Investor Protection Message to all investors holding shares in physical form
- MCA mandates private companies (excluding small company) to issue securities only in dematerialised form
- Listed companies can now view all complaints registered against them on the NEAPS (NSE Electronic Application Processing System) platform



KEY EHS UPDATES

- Existing Producers, Manufacturers, Recyclers and Refurbishers of e-waste to complete online registration on EPR portal by 31st December 2023; MoEFCC
- CPCB issues SOP regarding Special Inspection Drives for enforcement of ban on Single Use Plastics
- MOEFCC issues draft Ecomark Certification Rules, 2023 to promote environment-friendly products and performance
- MOEFCC issues Green Credit Rules, 2023 to incentivize voluntary environment positive actions
- In sync with CPCB Guidelines on Retrofit-Emission Control Device (RECD) compliances, Odisha PCB rolls out directions for DG Sets operating in the State, having a capacity of 50 KVA and above
- MoEFCC rolls out Rules for managing, storing and utilizing reject water generated by Water Purification Systems; casts obligations on users/manufacturers/importers of RO-based water purification systems

KEY LABOUR UPDATES

- Labour Department, NCT Delhi advises principal employers and its contractors to get registered on the EPFO portal to check UAN wise remittance by its contractors
- Factories /units in SEEPZ directed to provide crèche facility in the unit or avail 'common crèche facility' provided by SEEPZ SEZ Authority; submit employee details w.r.t. crèche facility
- Permission to keep Shops and Establishments in Telangana open on all days in a year, extended till 16th June, 2025 subject to fulfilment of specific conditions
- Tamil Nadu Shops and Establishments Act, 1947 amended: casts obligation on employers to provide drinking water, latrines, rest rooms and first aid facilities
- EPFO has issued guidelines & Frequently Asked Questions (FAQs) on the SOP for Inspecting Establishments

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to view our regulatory
updates page

Regulatory
Updates





KEY FISCAL & FEMA UPDATES

- Late fees for filing annual return in Form GSTR-9 reduced from FY 2022-23 onwards
- CBIC amends Central Goods and Services Tax Rules, 2017; notifies withdrawal of physical verification of principal place of business in presence of applicant
- Central Board of Direct Taxes (CBDT) notifies Form No. 71 to make an application for crediting Tax Deducted at Source(TDS)
- Directorate General of Foreign Trade (DGFT) has notified that existing rates for the exports under RoDTEP scheme will be applicable till 30.06.2024
- Central Board of Direct Taxes has inserted provision for claiming deduction by newly established undertakings in Special Economic Zones
- DGFT exempts SEZ Units/ EOUs / EHTP / STPI / BTPs from requirement to obtain 'restricted import authorization' for import of restricted hardware for captive consumption of importing units
- Clarification on issues pertaining to taxability of personal guarantee and corporate guarantee in GST issued by CBIC
- CBDT issues guidelines on the applicability of TDS provisions for E-commerce operators(ECOs)

[Visit](#) our Compliance Calendar page to sync compliances to your Outlook calendar!

COMPLIANCE CALENDAR





KEY INDUSTRY SPECIFIC UPDATES

- BFSI: NPCI introduces "UPI Tap & Pay" mode of payment; to be implemented by UPI members by 31.01.2024
- Telecom: Spectrum charges revised for assignment of frequencies to captive users; effective from 01.04.2024
- IT/ITeS: SEZ Rules stand amended; inserts new provision to demarcate non-processing areas for IT/ITes Special Economic Zones; effective immediately
- BFSI: PFRDA rolls out policy on adoption of cloud services by intermediaries regulated by it; aims to address risks effectively and ensure regulatory compliance
- BFSI: IRDAI does away with prescribed return filing requirements / furnishing certifications on the part of Insurers and Insurance Brokers under the (Insurance Brokers) Regulations, 2018
- BFSI: RBI rolls out regulatory measures towards consumer credit and bank credit to NBFCs; increases risk weights on consumer credit exposure of banks, NBFCs to 125% from 100%
- Pharma: CDSCO notifies that the application for issuance of Form 11 (Test License) for Veterinary Vaccines / Drugs shall now be made online on Sugam Portal
- Edutech: Online degree and diploma programmes offered by EdTech companies in collaboration with foreign universities or institutions will no longer be recognized by UGC
- Food: FBOs encouraged to incorporate Quick Response (QR) Codes containing comprehensive details on labels of food products: aims to facilitate easy access to nutritional information for visually impaired individuals
- Food: FSSAI clarifies that FBOs may declare address of the brand owner either through text or Barcode/Global Trade Identification Number (GTIN) on food labels
- Food: FSSAI launches Food Safety Compliance System portal in Gujarati, Tamil, Telugu, and Marathi, along with Hindi and English; aims to improve user experience and accessibility
- Food: FSSAI permits instant renewal of License/Registration for FBOs under the FSS (Licensing and Registration of Food Businesses) Regulations, 2011
- Food: FSSAI to take strict action for non-compliance with Food Safety and Standards (Advertisements & Claims) Regulations; aims to prevent deceptive / misleading claims or advertisements by FBOs



Interesting Blogs & Articles of 2023



Vidya Mukherjee
Legal, Operations



Compliance and Data Protection Workflow: Safeguarding Data Privacy under Digital Personal Data Protection Act, 2023

While the Digital Personal Data Protection Act, 2023 has received Presidential approval and has been officially published in the Gazette, it has not yet become enforceable. Specific timelines for its implementation have not been finalized. According to government reports, the provisions of this legislation will come into effect gradually over the next few months, in conjunction with the corresponding Rules designed to complement the new Data Protection Act. Therefore, it is

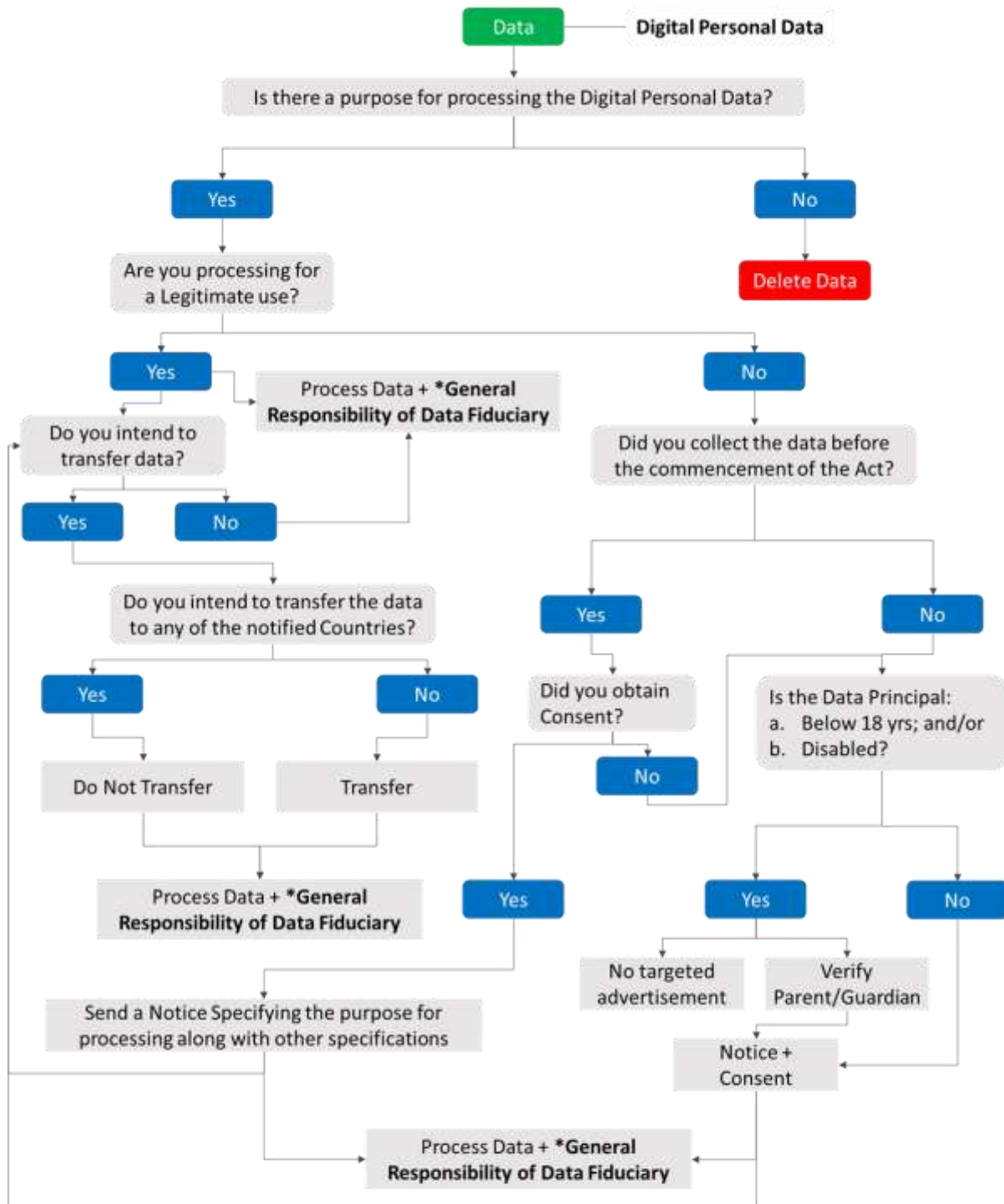
reasonable to assume that businesses should begin preparing to comply with the new requirements of the forthcoming data protection regime. However, it may still be some time before the Data Protection Act of 2023, along with its accompanying Rules, is fully put into practice.

Once the Act and the forthcoming Rules are officially published, and the new data protection framework becomes operational, Section 43A of the Information Technology Act and the SPDI Rules will no longer be in effect, however until then the current Information Technology Act and the SPDI Rules of 2011, along with their associated compliance obligations, will continue to apply as they currently do, and organisations would be



required to continue complying to the provisions of the same.

As an organisation* operating in India**, if you are collecting, storing, analysing Digital personal data, this law brings a new set of obligations for you.



***General Responsibilities of Data Fiduciary:**

a. Reasonable security standard	d. Provide right of grievance redressal
b. Implement technology safeguards	e. Maintain accuracy of data
c. Protect	

In preparation for the new legislation and once it comes into force, please refer to the flow chart below to assist in understanding the responsibilities that organizations that process*** Digital Personal Data****, will have under the new Data Protection and Privacy Act of 2023.

Footnote:

*An organization who alone or in conjunction with other persons determines the purpose and means of processing of personal data is considered a Data Fiduciary liable to comply with the obligations mandated under the Act.

**This Act is also applicable to Organizations operating outside India if processing is in connection with any activity related to offering of goods or services to Data Principals within the territory of India.

***Processing of data is defined as: a wholly or partly automated operation or set of operations performed on digital personal data, and includes operations such as collection, recording, organisation, structuring, storage, adaptation, retrieval, use, alignment or combination, indexing, sharing, disclosure by transmission, dissemination or otherwise making available, restriction, erasure or destruction.

****Digital Personal Data means personal data in digital form. While, Personal Data means any data about an individual who is identifiable by or in relation to such data.



Cross-Border Data Transfers: Legal Frameworks & Implications

Cross-Border Data Transfers: Legal Frameworks & Implications

Cross-border data transfers play a pivotal role in India's digital economy but come with legal complexities and implications for businesses and individuals. Understanding and adhering to the relevant legal frameworks are vital for protecting data privacy, ensuring compliance, and fostering trust among customers.

[Click here](#) to read our blog



Navigating Global Food Safety Regulations: Challenges and Solutions

Navigating Global Food Safety Regulations: Challenges and Solutions

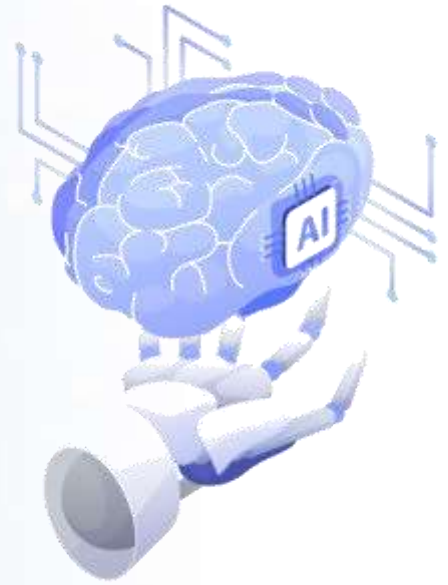
Running a food business is not an easy task, specially when you are doing so from a Global level. All stakeholders have a major role to play in successful running of such food business. Imagine a food business having 50 units of food factories located in 25+ locations worldwide along with 10+ sales offices. Each locations having its own set of regulations backed by different authorities to be adhered to along with focus on business and sales. There are a lot of challenges which such company may face in business if there is a lack of compliance culture within the organization. Now imagine, from the scenario mentioned above, you receive multiple show cause notice from different regulatory authorities from different jurisdictions. What will be your next step?

Definitely to resolve these issues as soon as possible. But, because of these incidents you cannot keep your business on hold, hence monitoring of all units on a day-to-day basis is a crucial step to avoid such mishaps. The next thought which may be blocking your mind is that, if we keep monitoring 50+units then when will we earn profits and focus on business.

Well, now sit back and tighten your seat belts, because this blog is all about providing you with directions to some key laws of different jurisdiction, and how it can help you streamline your compliance processes.

Before diving into the challenges and solutions, let us briefly look into the food safety regulations adhered by Food Manufacturers in different jurisdictions.

[Click here](#) to read our blog



Ethical and Security Implications of AI in Legal-Tech: Exploring Possibilities and Concerns

A legal-tech company is an organization that leverages technology to provide services, tools or solutions related to legal matters. These companies often offer software, platforms or applications that streamline legal processes, automate tasks, manage documents, facilitate research or aid in various legal activities, aiming to improve efficiency and accessibility.

In the ever-evolving landscape of legal technology, the integration of AI is bringing in unprecedented advancements by reshaping the ways legal professionals operate. However, as AI is becoming an integral part of legal-tech solutions, there are various aspects of it which demand our attention and right now. With the rise of generative AI, like ChatGPT or Bard, concerns are being raised by intellectuals worldwide regarding the ethical and security implications of its use. Some have proposed treating the use of technologies like generative AI similar to new medicines - subjecting it to some expert groups testing to assess its impact on humanity at large before releasing it to common people. And the debate continues. In

this article we'll try to look at two critical aspects that demand our attention, ethical implications and the challenges of privacy and security of using generative AI in legal domain. But before that, let's have a closer look at the areas where AI can potentially be utilised effectively in legal domain.

Compliance and Risk Management: AI can assist in identifying potential risks and ensuring compliance with constantly evolving regulations by continuously monitoring changes in laws and regulations.

Document Review and Analysis: AI-powered systems can quickly sift through vast amounts of legal documents, contracts and case files, extracting relevant information, identifying patterns and assisting in due diligence processes and flagging risks.

Predictive Analytics: By analysing past case outcomes and legal precedents, AI can provide insights and predictions about potential outcomes, helping lawyers in decision making and formulate case strategies.

Enhanced Search and Information Retrieval: AI algorithms can improve search capabilities within legal databases, available in public domain or

within any organization's own domain, making it easier to find relevant laws, regulations and other legal insights.

Automating Routine Tasks: AI can automate repetitive tasks like contract drafting, legal research and even basic client interactions (say, through chatbots), freeing up time for legal professionals to focus more on higher-value work where their core expertise is required.

Natural Language Processing (NLP): NLP allows AI to understand and generate human language, aiding in summarising case documents, drafting and processing legal documents like contracts, case files etc. But these are only a few examples. The application of AI is not limited only to the above-mentioned areas where AI can be potentially used and that is evolving with time and very fast. In short, AI can empower legal-tech companies by augmenting the capabilities of legal professionals, improving efficiency, reducing human errors and providing valuable insights.

Yet, amid this progress, ethical and security concerns loom large. Let's check some of them which poses considerable risk in today's world.

Bias in Algorithms: One of the foremost ethical challenges is the potential bias inherent in AI algorithms which is somewhat similar to the concept of "filter bubble". These algorithms generally learn from historical data which can reflect societal or other forms of biases. If left unchecked, AI may perpetuate these biases, resulting in unfair or discriminatory outcomes in legal decisions.

Transparency and Accountability: The opacity of AI decision making processes poses another ethical dilemma. Ensuring transparency in how AI arrives at conclusions is imperative for

accountability. However, that always might not be possible in the interest of keeping the trade secret secured, protecting intellectual property rights and privacy issues.

Data Privacy and Regulatory Concerns: Any AI system generally processes vast amounts of confidential data. Ensuring the privacy of client or case-related information is critical. Legal-tech companies must implement robust measures to protect sensitive data from breaches or unauthorized access.

Adherence to data protection laws and industry-specific regulations is non-negotiable. As AI evolves, legal-tech companies must continuously adapt their systems to comply with evolving legal standards, safeguarding client confidentiality and trust.

Altering the Attorney-Client Relationship: AI's role in legal field can potentially alter the traditional dynamics of the attorney-client relationship. Maintaining trust, empathy and the human element in these interactions is essential. As Richard Susskind writes in *The Times*, "The main social benefit of legal AI will not be in making lawyers more efficient but in empowering people who are not lawyers to handle their own legal affairs. Access to justice issues may well be cracked by making AI systems available to people directly so they can understand and enforce their legal entitlements for themselves." And he goes on, "For large law firms, AI will doubtless increase productivity in the short term. But further ahead, AI will equip clients to undertake much of the very work currently given to traditional firms. Here is the main disruption. The market will show no loyalty to conventional legal and court service if AI delivers the outcomes that clients want but quicker, and at lower cost."

Mitigating Security Risks: The intersection of AI and legal services demands heightened

security measures. Building resilient systems that can defend against cyber threats and ensure data integrity is vital to instil confidence in AI-powered legal solutions.

But we can't ignore AI and need to learn to leave with it. Balancing the incredible potential of AI with ethical considerations necessitates a collaborative effort. Legal-tech companies, legal professionals, ethicists, and regulators must collaborate to establish robust frameworks that prioritize fairness, transparency, and accountability in AI-driven legal solutions. Establishing clear guidelines, ethical frameworks, and robust oversight mechanisms is essential to harness the benefits of AI while mitigating its ethical risks in

these critical fields. We're taking a cautious approach to embracing AI at Lexplosion, considering the discussed concerns. The AI-enabled features in our products will be gradually introduced in the coming months.

Sovan Das
Head – IT



Mehreen Bushra Shafi
Assistant Manager,
Legal, Operations



The Important nuances of Contract Review

The Law of Contracts is one of the core subjects taught in law school. We are taken through the various requisites of a valid contract, taught to differentiate between an offer and an invitation to offer, to identify if a

consideration is valid or not and other similar principles integral to the Law of Contracts. However, as is the case with the rest of legal studies, when we venture out into the real world with a law degree, the basics taught to us at law school are insufficient for dealing with practical contracts. It's unlikely that you will be asked to negotiate a contract with an unlawful object. Or be asked to sign a contract without consent. While these principles are critical to get a background of what contracts are and how they operate, they rarely help when you sit across the table with someone to close a deal. And so – the fact remains that the skills for drafting, review and negotiation of contract is something that can be acquired more on the job than in a classroom.

In this blog and the series of upcoming blogs we will discuss the importance of contracts reviews, and what we need to keep in mind while reviewing contracts.

WHY REVIEW CONTRACTS?

Businesses today enter into multiple agreements on a day-to-day basis. It is crucial that these contracts are well negotiated before either party agrees to it. A thorough review of a contract is important to

- Set expectations right.
- Manage risk.
- Prevents misunderstanding.

Setting Expectations

The Indian Contract Act states that “Every promise and every set of promises, forming the consideration for each other, is an agreement;”. So, each party basically promises to do or not do certain things in return of a reciprocal promise of the other party.

It's important that parties be clear on exactly what needs to be done. If you are procuring services clarify what services you need, the

quality of services that you expect, the time within which you expect them to be delivered and other expectations that may impact the services you receive. On the flip side, if you are providing the services you need to make sure the contract is clear on the consideration payable for the services, by when you will receive the payments and if there are certain things that are clear exceptions to the services you will provide. Similarly, in a non-disclosure agreement if you are disclosing information you will want to put in as many fetters to the sue of confidential information and have robust obligations of confidentiality in place as opposed to when you are receiving information, where it will be preferable to have an option to use the confidential information for certain specific purposes, an ability to share it with specified persons, etc.

These are just a few examples using a couple of common agreements. Contracts may be of various kinds, there may be lease agreements, SAAS agreements, employment agreements, work orders. But the principle remains the same. As a party entering into an agreement, you need to know precisely what you are getting and what you are providing. And then put it in the contract in as many words.

Managing Risk

When entering into an agreement it's important to ascertain the business objectives underlying the relationship, as well as the business risks created by entering into the same.

Contractual risk transfers intend to shift financial and other responsibility for any related risk vulnerabilities to one party or the other. By transferring risk, you can relieve yourself and assign it to the other party. Having certain clauses in a contract can help you allocate the risk efficiently. This may be accomplished by

clauses for indemnification, limitation of liability, termination rights, etc.

Prevents Misunderstanding

The parties while negotiating a deal may have various discussions regarding the same. A lot of information goes back and forth and normally, the final terms agreed are much different from what the parties started negotiating with. Besides, the people actually involved in the business relationship may not have been involved in the negotiation process. So, the exact terms of the agreement need to be recorded clearly in writing so that the parties are on the same page.

THINGS TO KEEP IN MIND WHEN REVIEWING CONTRACTS

For reviewing an agreement there are a few basic concepts that must be clear before you proceed with the review. If there is any doubt regarding any of the below, do check with the concerned person (who has raised the review request) and seek clarity before starting the review.

What is the purpose of the agreement?

Always be clear on the purpose for which the agreement is being undertaken. The purpose will often determine what clauses on an NDA are crucial and if any new point needs to be considered beyond what is generally covered in an Agreement. Depending on the kind of agreement, you may want to take specific points into consideration.

E.g.,1: While an IP clause will be crucial in a SAAS agreement, it's not so important in a facilities service agreement.

E.g.,2: If you are entering into a confidentiality agreement and you need to take special care to put in the restrictions on the use of

confidential information and be clear on the additional persons with whom information may be shared. In such an agreement the clauses primarily will focus on the use and disclosure of information itself.

Whose side are you on?

Once you know what the purpose of the agreement is, you need to take note of the side that you represent. The review should be in favour of the side you represent. So, taking the example of the confidentiality agreement, if you are the party that is sharing the information, you will want to put in as many fetters as possible to restrict the usage of the information.

On the other hand, if you are receiving information, your review will focus on putting in rights to share the information with certain persons as required.

What is the value of the agreement?

When reviewing a contract, you also need to ask if the review is really worth the time and effort being dedicated? Basically, if it is a high value or long-term agreement then you may want to spend considerable time making sure all clauses are well negotiated. On the other hand, on a short term/ one-time/ low value contract you may be a little more liberal with the review.

In view of the above, it is important that a thorough review of agreements be done before signing. As a starting point, the draft of an agreement may be proposed by either party. And if you happen to receive a draft from the other side, a review becomes crucial. Skimming through the agreement is insufficient. With companies juggling multiple commercial aspects of their business on a daily basis, having to vet contracts becomes an added obligation. The general practice that creeps into the system is to get these "formalities" out of

the way as soon as possible so that parties can commence the actual transaction. What ensues is a string of poorly reviewed and drafted contracts that sit as a potential risk between the parties and could be extremely damaging to the business should any contingency arise requiring parties to invoke terms of the contract.

To avoid such an eventuality, it is best to have experts review contracts. Having an outsourced team makes sure a thorough reading is done of the entire draft instead of just focusing on the commercial terms and any unreasonable clause can be highlighted/ deleted. Having a dedicated team does away with the risk of a shoddy review where the person responsible would try to get the document off the table to move to more “critical stuff”. An expert will also be able to better understand the impact of the legal terms which may not be fully grasped by others, they bring the necessary expertise and know-how to the table. Besides, with experts, the job will be done relatively quicker as they will be conversant with different types of agreements and will come with experience – thus business get more done at a lower cost.

Outsourcing this work also relieves the internal teams of the company from this additional pressure and they can focus on the roles and responsibilities assigned to them while the legal experts deal with reviewing and negotiating terms of agreements.

Channelling all agreements through a dedicated team also makes sure that complete records of each negotiation and final agreements are kept in a single place where they can be easily accessed later.

As highlighted in this blog, the review of commercial contracts is an essential requirement for a sustainable business and is a much more exacting job than what it's generally understood to be. While it's important that an accurate review is done before any agreement is signed, it is equally important that such review is done by people who are proficient with handling contracts. Getting in experts from outside turns out to be the most efficient way of dealing with the situation in current business environment. For more information on contract review services, please click [here](#) or drop us a line at inquiries@lexplosion.in.



LEGAL SERVICES

Lexplosion has been the trusted partner for several companies world wide providing legal services in the domain of contracts and Litigation. Lexplosion has provided dedicated as well as shared resources to help over 100 + businesses to cater to their legal needs. We have supported companies both on an ongoing basis or on an adhoc basis.

Our Services:

- ✔ Contract drafting.
- ✔ Contract Review/ Redlining
- ✔ Clause Redaction
- ✔ Creation/updation of Litigation tracker

Why Choose Us

With over 16 years of experience, Lexplosion guarantees Expertise, Accuracy, Quality, Efficiency and cost effective service.

60+ Lawyers to add value to your legal processes.

During certain celebratory occasions, we have gone ahead and prepared flyers to sensitize the public at large by posting messages on various social media platforms. We believe that awareness and sensitization are crucial in shaping up a healthy compliance ecosystem.

WORLD AIDS DAY

Let us explore key compliance obligations on the part of organizations towards safeguarding the rights of persons affected by HIV under the **Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017:**

- | | |
|--|--|
| Safeguard the confidentiality of HIV related information | Do not discriminate against individuals classified as *Protected Persons |
| Enforce, communicate, disseminate and display the HIV and AIDS Policy for all employees | Do not deny employment or discontinue employment (unless there is medical evidence to prove that the person poses a significant risk of transmission of HIV to other persons in the workplace) |
| Appoint a Complaints Officer and Conduct Annual orientation programme for Complaints Officer | Do not require HIV test as a pre-requisite to obtaining employment or continuing the same |
| Obtain **informed consent prior to conducting HIV test on any person | Do not isolate or segregate a protected person from the rest |
| Furnish Half - Yearly reports of complaints to the National AIDS Control Organisation (NACO) | |
| Conduct annual training sessions for understanding and implementing the HIV and AIDS policy in an organization | |

Penalty for non-compliance



Imprisonment: between three months and two years

Fine: up to Rs. 1,00,000/-

Or Both.

* "Protected Person" means a person who is--

- (i) HIV-Positive; or
- (ii) ordinarily living, residing or cohabiting with a person who is HIV-positive person; or
- (iii) ordinarily lived, resided or cohabited with a person who was HIV- positive.



NO SMOKING DAY 2023



No Smoking Day is observed every year on the second Wednesday of March with the objective to spread awareness about the harmful health effects of tobacco consumption through cigarette and other modes. The goal of this initiative is to help smokers to get rid of the bad habit of smoking.

Indian Legislations that regulate the manufacture, packaging and advertisement of Cigarettes and Tobacco Products:



Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003

✔ Do's	❌ Don'ts
Display No-Smoking Signs in office premises.	Do not smoke in Public Places*
Notify and display the name of the persons in your office premises before whom complaints against contravention of the provisions can be lodged.	Do not allow or provide any ashtrays, matches, lighters or other things which facilitate smoking in the office or work premises.
	Do not advertise cigarettes and other tobacco products.



Cigarettes and other Tobacco Products (Packaging and Labelling) Third Amendment Rules, 2020

- ✔ Add Textual health warnings in English, Hindi, and Regional Language, in accordance with the directions by Ministry of Health and Family Welfare. (25% of display area)
- ✔ Add Pictorial health warning in accordance with the directions by Ministry of Health and Family Welfare. (60% of display area)



Cigarettes and Other Tobacco Products (Display of Board by Educational Institutions) Rules, 2009

- ✔ As the owner or manager of an educational Institution, display and exhibit a board at a conspicuous place outside the premises, prominently stating that sale of cigarettes and other tobacco products in an area within a radius of one hundred yards of educational institution is strictly prohibited.

* The phrase "public place" means any place to which the public have access, and includes auditorium, hospital buildings, railway waiting room, amusement centres, restaurants, public offices, Court buildings, educational Institutions, libraries, public conveyances and the like which are visited by general public.





World Day Against Child Labour

The World Day Against Child Labour was introduced by the International Labour Organization (ILO) on 12th June 2002 in order to draw attention to the ever-growing malady that is child labour plaguing the world. The theme this year is 'Social Justice for All. End Child Labour.'

In India, the Child Labour (Prohibition and Regulation) Act, 1986 is the central legislation that deals with preventing Child Labour. It explicitly prohibits child labour except in a few circumstances and clarifies that a child cannot work for more than 5 hours in a day and cannot work beyond 3 hours at a stretch.

The following are some of the provisions for preventing employing Child Labour in any industry:



Section 3 of the Act explicitly prohibits the employment of a child in any occupation as mentioned in Part A of the Schedule or in any workshop that carried out the processes set forth in Part B of the Schedule.

Section 14 specifies that if someone works in contravention of the provisions of section 3, they can be imprisoned for a term not less than 3 months, but which may extend to 1 year. A fine of at least 10,000 rupees that may extend to 20,000 rupees can also be charged.



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World Food Safety Day



Food and Agriculture Organization of the United Nations has introduced the theme for **World Food Safety Day, 2023** as "Food standards save lives". The theme is emphasizing on the importance of food standards across the globe.



Section 2(q) of the Food Safety Standard Act, 2006 defines "food safety" as "assurance that food is acceptable for human consumption according to its intended use".

State Amendments with respect to the Child Labour in India:



1. By Amendment dated 11th April 2023, Punjab has restricted adolescents from being employed in certain industries, defining adolescent as a person who has attained the age 15 but not 18. The term 'child' has been replaced by the term 'adolescent' in dangerous operations, etc.
2. In Karnataka, the Child Labour (Prohibition and Regulation) (Karnataka) Rules 1998 was introduced in order to enforce the 1986 Child Labour Rules in India. This re-emphasizes the provisions as mentioned in the original legislation and help bring it to force within the state of Karnataka. It has widened the scope from children to 'children and adolescents' as well.
3. In West Bengal, there is a specific legislation called the West Bengal Child Labour (Prohibition and Regulation) Rules, 1995. It is a very comprehensive legislation that even highlights the health and sanitation standards, the fencing of machinery, the standard of drinking water of an establishment employing children as workers.
4. The Guidelines for Child and Adolescent Participation in the Entertainment Industry and any Commercial Entertainment Activity (2011) is a legislation that allows for children's participation in the entertainment field in a non-exploitative manner. A new regulatory guideline for Child Participation in the Entertainment Industry and any Commercial Entertainment activity is in draft stage and is in the process of finalization. It incorporates new laws, policies by keeping in the best interest of children in mind.



Section 12 of the Act specifies that there needs to be a Display Notice that contains abstracts of sections 3 and 14.

The most important thing that needs to be established while dealing with child labour is who a child is in the first place according to legal standards since they are the most important stakeholder in the matter.

Who is a Child?



1. Child as defined under The Child Labour (Prohibition and Regulation) Act, 1986 is a person who has not yet completed his fourteenth year.
2. Under the Factories Act, a child is an individual below the age of 15.
3. The Rights of Children to have Access to Free and Compulsory Education, 2009 defines a child as someone within 6-14 years of age.
4. A child is anyone below the age of 18 according to the Juvenile Justice Act.

The scope of who a child is and who is protected under the Child Labour prohibition laws have also expanded significantly with new legislation being introduced.



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Arpitha A. Pattar
Indian Machine Tool
Manufacturers'
Association

Komrisk is a very useful application which help us to track the compliance and keep our organisation on track and compliant. The most important thing which is beneficial for us is that you send us the new laws, rules, regulations, notifications and circulars.

Sudesh M
Rubfila International
Limited

Lexplosion provides a single point solution for all statutory and compliance requirements. Every task is narrated in a user- friendly manner. The tool helps us to monitor compliance requirements across all departments / units.

Priya Tharani
Stovekraft Limited

Komrisk boost the users to comply with tasks and promotes healthy competition among departments to achieve 100% transparency on the areas of improvements. Team is highly spontaneous.

Pranav Rewale
MSL Driveline Systems
Ltd

Besides, ensuring timely compliances in a systematic & methodical manner where responsibility is assigned & set properly, Komrisk shares timely updates about all changes/amendments in the legal system.

Vivek B
Tube Investments of
India Ltd

The Komrisk tool is user-friendly & east to navigate. Mobile app flexibility is available to easily upload the proofs, approve and monitor the compliance dashboard. This helps in ease of operation on the go. Lexplosion is always keen on real time updation of regulatory and statutory amendments by a team of senior advocates across India and this will help our organisation to track UpToDate compliance in all our locations across India. Lexplosion team will share the legal updates for all SPOC of all BUs in our organisation. Any update / amendment to law is therefore fully explained to all stakeholders well in advance.



This year, we have partnered with various legal partners like ICSI, ET Legal, UBS Forums, etc. and participated in several events.





Sweet Moments



Headquartered in Kolkata, Lexplosion was founded by a team of four ex-GE lawyers with a view to help the corporate legal & compliance fraternity reduce their effort and cost overhead. From its inception in December 2007, Lexplosion has focused on creating new markets by identifying the needs of corporate counsels and compliance officers and re-defining solutions. We have helped a number of Indian organizations lower the total cost of legal and compliance operations by making their processes more efficient and benchmarking them to global best practices. A number of our pioneering initiatives have been borne out of our endeavor to bridge the gap between the long term needs of the customer and the existing solutions in the market.

Lexplosion is now offering products and services globally and is currently serving over 25 countries and 35 industries.

Lexplosion is a Member Firm of Leading Indian Industry Associations



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Lexplosion is an ISO 27001 certified company



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