

LEXPLOSION
INNOVATING LEGALLY!



Yearly Regulatory Round-up 2024



Indranil Choudhury
Founder, CEO & Board
Member



As 2024 comes to a close, we at Lexplosion reflect with immense gratitude on a year filled with progress and new beginnings. Your trust in us has been the cornerstone of our journey, and we are excited to share some of our key achievements this year

- 1. Expanding Globally:** We opened our first office outside India, in Singapore, marking our initial step into the ASEAN region. We have already onboarded clients in Singapore and Indonesia, strengthening our presence in this dynamic market.
- 2. Strategic Alliances:** A new alliance with a prominent law firm in Singapore has reinforced our ability to deliver localised legal-tech solutions to our clients.
- 3. Leadership Excellence:** We welcomed Vipul Jhaveri, the former Tax Head of Deloitte India, as our Chief Mentor, whose expertise has been invaluable in shaping our strategic direction.
- 4. Driving Regulatory Preparedness:** Our services under the DPDP Act have helped clients assess their readiness for the new regime and bridge compliance gaps effectively.
- 5. Technology Upgrades:** We upgraded Komrisk to a cutting-edge technology stack in May, significantly enhancing its performance and scalability.
- 6. Litigation Insights:** Our litigation management solution, Komlit, is now fully integrated with the Indian e-courts portal. This enables seamless tracking of hearing dates and case updates, while also allowing users to explore potential cases filed against them to avoid ex parte orders or unexpected developments.
- 7. AI-Powered Contract Management:** Komtrakt now features AI-driven contract abstraction, transforming how businesses manage their obligations and risks.
- 8. Innovative Launches:** November saw the launch of Komtrol, a powerful tool that tracks material price movements and relevant news. Within weeks, it was adopted by 12 top-tier listed companies, with focussed interest from over 100 additional listed entities.

At Lexplosion, innovation and client-centricity remain at the heart of everything we do. This year's achievements reflect our relentless commitment to delivering value through cutting-edge legal-tech solutions. Thank you for being an integral part of our journey. We look forward to continuing our partnership in 2025 and beyond.

Wishing you a successful and prosperous new year.





Antara Dasgupta
Head – Content & Updates



As we reflect on the regulatory milestones of 2024, it is evident that the year brought a surge of reforms across environmental governance, data protection, workplace inclusivity and sector-specific regulations.

At Lexplosion Solutions, we believe that businesses should perceive these regulatory developments not as challenges but as opportunities to grow responsibly and sustainably.

The **Ecomark Rules, 2024** introduced eco-certifications aimed at driving sustainable product development. Amendments to waste management regulations—covering **e-waste, plastic, and battery disposal**—mandated stricter compliance standards to mitigate environmental hazards. The **Biological Diversity Rules, 2024**, underscored the pivotal role of technology with the introduction of online portals for resource management, simplifying access and compliance. In the realm of corporate governance, the **Digital Personal Data Protection Act** established a robust framework for safeguarding digital information, with full implementation eagerly awaited. **ASCI's guidelines** against greenwashing reinforced integrity in advertising practices, while the proposed **Digital Competition Bill** aimed to tackle anti-trust concerns in digital markets by introducing ex-ante regulatory mechanisms for fairness and competition. The **Securities and Exchange Board of India (SEBI)** also rolled out frameworks addressing **cybersecurity, insider trading** and streamlined public issue procedures.

Judicial interventions in 2024 emphasized workplace inclusivity and employee welfare:

- The **Calcutta High Court upheld maternity benefits** for contractual employees, ensuring equitable treatment and emphasizing employer responsibility to extend statutory rights to all workers.
- The **Madras High Court redefined sexual harassment laws**, recognizing ongoing misconduct as a valid legal claim, irrespective of reporting delays.
- Amendments to the **Employees' Deposit-Linked Insurance Scheme** enhanced financial security for employees, reflecting a broader commitment to labor welfare.
- Landmark judicial decisions also clarified labor classifications. The **Bombay High Court** ruled that an employee's **duties—not designation—determine their classification as a workman** under the Industrial Disputes Act, reinforcing protections for manual, skilled, and unskilled workers.

In healthcare, the **Uniform Code for Pharmaceutical Marketing Practices, 2024** elevated accountability and ethical standards in pharmaceutical marketing. Revised **Good Manufacturing Practices (GMP)** under the Drugs Rules of 1945 imposed

stringent obligations on pharmaceutical companies to enhance product quality and implement robust risk management practices.

A Look Ahead to 2025

The momentum built in 2024 sets the stage for critical legislations and reforms in 2025. The **Biological Diversity Rules** are expected to roll out digital applications for resource access and intellectual property filings, aiming to streamline governance. Anticipated regulations for **liquid waste management** and **digital competition** further promise a progressive compliance environment.

At Lexplosion Solutions, we remain steadfast in collaborating with organizations in India and abroad to navigate this evolving regulatory landscape. By leveraging innovative legal-tech solutions and deep expertise, we empower businesses to stay ahead of the curve while upholding the highest standards of integrity and excellence.

As the regulatory environment grows increasingly dynamic, adaptability and informed action will be crucial. Let us work together to transform these shifts into opportunities for progress, fostering a culture of compliance and responsibility.

Wishing everyone a safe, successful and compliant 2025!



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Environment Ministry notifies amendments to the Schedule to the Environmental Impact Assessment (“EIA”) Notification, 2006

With a view to amend the Environmental Impact Assessment Notification, 2006 (“EIA Notification”), the Ministry of Environment, Forest and Climate Change (“Ministry”) has notified the following amendments to the Schedule of the EIA Notification:

- In the list of Projects or Activities requiring prior environmental clearance, Pellet Plant (irrespective of capacity) has been added;
- The entry with respect to Metallurgical Industries (ferrous and nonferrous) has been substituted to exempt the recycling industrial units registered under the following rules:
 - a. Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016;
 - b. E-Waste (Management) Rules, 2022;
 - c. Battery Waste Management Rules, 2022.

Further, specific thermal power plants setup within metallurgical industries have also been exempted from the requirement of obtaining prior Environmental Clearance.

Source: **Ministry of Environment, Forest and Climate Change**

Enhanced fines for violations under Collection of Statistics Act, 2008 effective 10th December, 2024: Centre confirms implementation date for amendments under Jan Vishwas Act

Ministry of Statistics has appointed 10th December, 2024 as the date on which the amendments pertaining to the Collection of Statistics Act, 2008 (“Act”) will gain effect. The Jan Vishwas (Amendment of Provisions) Act, 2023 is with a view to implement updated/ enhanced monetary fines while doing away with the criminal sanctions associated with non-compliance of provisions under the Act.

Source: **Ministry of Statistics and Programme Implementation**



MoEFCC notifies Ecomark Rules, 2024; prescribes condition, procedure, use etc. of Ecomark certification on various products

Pursuant to what we have reported earlier, the Ministry of Environment, Forest, and Climate Change (“Ministry”) has notified the Ecomark Rules, 2024 (“Rules”) with immediate effect. The Rules specify the criteria to grant Ecomark certification to products that meet specified environmental criteria with respect to resource consumption and environmental impacts, in particular the impact on climate change, impact on nature and biodiversity energy consumption, generation of waste, emissions to all environmental media, pollution through physical effects and use and release of hazardous substances.

Key Highlights:

- Criteria for grant of Ecomark certification are given under First Schedule of the Principal Rules which provides different criteria for different types of products.
- It provides detailed procedure to be followed for grant and renewal of Ecomark certification which complies the conditions which is to be followed for different types of products.
- It specifies that the Ecomark certification granted will be valid for a period of 3 years.
- It also provides for submission of annual report by the holder of Ecomark certification to the Central Pollution Control Board (“CPCB”), the report to be submitted on or before 31st May of each year.
- Affixation of Ecomark certification label on such product has been made mandatory under the Rules, no person will use Ecomark certification on any product unless the mark has been granted by the authority.
- Further, it provides for making applications for Ecomark certification and for submission of annual reports by the holder of the Ecomark certification on the portal which will be developed by CPCB.
- The Rules provide that the entities having qualification and experience in the field of environment and matters relating to Ecomark certification will be registered as Verifiers by CPCB for the purposes of verification of the products for the grant of Ecomark certification and its renewal.
- The holder of Ecomark certification must allow CPCB or the registered agencies to undertake such inspection and verification as may be considered necessary for ensuring compliance with the conditions under these Rules.

Source: Ministry of Environment, Forest & Climate Change



Department of Pharmaceuticals mandates self-declaration for compliance with new Uniform Code for Pharmaceutical Marketing Practices (UCPMP)

Department of Pharmaceuticals has directed pharmaceutical companies to submit self-declaration of adherence to the Uniform Code for Pharmaceutical Marketing Practices 2024 (“UCPMP 2024”) in a format. This declaration, confirming compliance with the UCPMP for the financial year 2024-25, is required to be signed by the executive head of each company, pledging co-operation with authorities for enforcement of UCPMP 2024.

Source: [Department of Pharmaceuticals](#)

The Ministry of Health and Family Welfare has revised the Drugs Rules of 1945 to enhance the Good Manufacturing Practices and Requirements for Premises, Plant, and Equipment associated with Pharmaceutical Products as detailed in Schedule M.

The Ministry of Health and Family Welfare has amended the Drugs Rules, 1945 by virtue of which Schedule M has been substituted to further expand the Good Manufacturing Practices and Requirements for Premises, Plant, and Equipment related to Pharmaceutical Products (“GMP”) outlined in the Schedule, effective 5th January, 2024. Small and medium drug manufacturers having an annual turnover, of less than Rs 250 crore have 12 months are mandated to comply with the GMP, while large manufacturers with a turnover more than Rs 250 crore have a deadline of six-months.

Key Takeaways:

1. The primary objective of the amendment is to attribute responsibility to the Senior Management of large, small and medium drug manufacturers, and, minimize the risk of inadequate safety, quality or efficacy in drugs with the introduction of comprehensively designed and correctly implemented pharmaceutical quality system incorporating Good Manufacturing Practices (GMP) and Quality Risk Management (QRM).
2. A direct obligation of leadership and active participation in the entire life cycle (till discontinuation) of pharmaceutical quality system has been placed on Senior Management.
3. New concepts such as pharma quality system (PQS), quality risk management (QRM), product quality review (PQR) have been introduced.
4. Control mechanisms have been mandated on starting materials, intermediate products, and bulk products and other inprocess controls, calibrations and validations have been included as part of Good Manufacturing Practice as well as a system for regular reviews and QRM being a systematic process for the assessment, control, communication and review of risks to the quality of the medicinal product.





6. As part of management of complaints, identification and reporting of adverse effects, pharma companies are obligated to have a pharmacovigilance system in place for collecting, processing and forwarding the reports to the licensing authorities for information on the adverse drug reactions emerging from the use of drugs manufactured or marketed by the company.
7. The amendment mandates the creation of a prompt and effective recall system using both print and electronic media in the entire distribution chain. It outlines a Standard Operating Procedure for recalls, reaching each distribution channel, and storing recalled products separately in a secured area pending final decisions. The progress of the recall arrangements is to be monitored and recorded.

Source: **Ministry of Health and Family Welfare**

[MoEFCC notifies Biological Diversity Rules, 2024 in supersession of the Biological Diversity Rules, 2004; effective from 24th December, 2025](#)

The Ministry of Environment, Forest and Climate Change (“MoEFCC”) has issued the Biological Diversity Rules, 2024 (“2024 Rules”) in supersession of the Biological Diversity Rules, 2004 (“erstwhile Rules”). These rules will come into force on the expiry of sixty days from the date of notification in the Official Gazette i.e. 24th December, 2025.

The Key Changes introduced by the 2024 Rules include a new online portal for submission of applications to the National Biodiversity Authority (“Authority”), submitting an online application for accessing biological resources for bio-survey and bio-utilisation and a declaration to claim exemption for accessing cultivated medicinal plants among other changes as enumerated below.

- Now the application for accessing biological resources and associated knowledge for commercial utilisation will be required to be submitted on the web portal of the Authority.
- Now a person seeking access to biological resources and knowledge associated thereto for research or for bio-survey and bio-utilisation will also be required to make an application on the web portal of the Authority.
- The requirement of submitting an application to the Authority for transferring results of research relating to biological resources obtained from India for monetary consideration to foreign nationals, companies and Non-Resident Indians (NRIs) has been revised. Now the applications shall be made in the following form based on category:
 1. Form 3 for sharing or transferring the results of research to persons for commercial purposes or otherwise,
 2. Form 4 for registration by the transferee to use the results of research for further research,
 3. Form 5 for using the results of research for commercial utilisation by the transferee and
 4. Form 6 for using the results of research for obtaining intellectual property rights by the transferee.
- The procedure for seeking prior approval before applying for intellectual property protection has been revised and divided into 3 categories:





1. Procedure for seeking prior approval before grant of intellectual property rights by any person,
 2. Procedure for registration before obtaining intellectual property rights by any person and
 3. Procedure for obtaining prior approval of the Authority for commercialisation of the intellectual property rights by any person.
- Measures have been introduced for monitoring and regulating the use of biological resource or associated traditional knowledge obtained from any foreign country in India.
 - A new requirement for obtaining a declaration to claim exemption for accessing cultivated medicinal plants has been introduced.

Source: **Ministry of Environment, Forest and Climate Change**

ASCI issues Guidelines to ensure Honest Environmental Claims in Advertisements

The Advertising Standards Council of India (“ASCI”) has issued “Guidelines for Advertisements Making Environmental/ Green Claims”, to prevent false pro-environment claims, also known as greenwashing*. These guidelines aim to ensure that environmental claims made by advertisers are reliable, verifiable, and transparent. The Guidelines will come into effect from 15th February, 2024.

Key takeaways of the Guidelines:

- a. The ASCI guidelines require advertisements to make specific claims limited to the part of the product or service that has the environmental benefit.
- b. Absolute Claims (such as “environment friendly”, “eco-friendly”, “sustainable”, “planet friendly” which implies that the entire product advertised has no impact or only a positive impact, or reduces adverse impact) must be capable of being substantiated by robust data and credible accreditations. Such absolute claims cannot be diluted by a disclaimer or any other clarificatory mechanism such as a QR code or website link etc.
- c. Comparative claims (such as “Greener” or “Friendlier”) will require evidence for the advertised product or service which provides an environmental benefit over advertiser’s previous product or service or competitor products or services, basis of comparison must be clear.
- d. General Environmental claim must be claimed on the full life cycle of the product or service advertised, with clear limits of the life cycle. If the claim cannot be justified, then a limited claim about specific aspects of a product or service might be justifiable. Consumers should not be misled on the product or service’s total environmental impact for claims made on part of an advertised product or service’s life cycle.
- e. The environmental claim, if not clear from the context of the advertisement must specify whether it refers to the product, the product’s packaging, a service, or just a portion of the product, package, or service.





- f. Consumers must not be misled from advertisements about the environmental benefit that a product or service offers by highlighting the absence of an environmentally damaging ingredient if the ingredient is not usually found in competing products or services. The guidelines also provides that the advertisements must not claim an environmental benefit that results from a legal obligation if competing products are subject to the same requirements. Equip the consumers with relevant information for ‘free-of’ claim by adding appropriate disclaimer to indicate the purpose e.g. “XX-Free: (Names of regulation) prohibit the use of (name of prohibited substance/ingredient) in (category of products)”. It will be a deceptive “free-of” claim if a product is free of one substance but includes another that is known to pose a similar or higher environmental risk.
- g. Where the consumers have an impression of an environmental claim from use of Certifications or Seals of Approval, the advertiser must clearly mention that on what attributes of the product or service has been evaluated by the certifier. The advertiser must make sure that the certifying agency is nationally/internationally accredited by a certifying authority e.g. agency accredited by the UN council/committee, BIS etc.
- h. An Advertiser must not use visual elements in the advertisement which may result in conveying a false impression that the product is less harmful or more beneficial to the environment. Eg- logos representing a recycling process on packaging and/or in advertising material can significantly influence a consumer’s impression of the environmental impact of a product or service. The visual elements must not include the colour scheme related to nature or environment or images of natural ingredients or natural elements used on the products / packaging / services as a part of its creative brand identity or trademark/tradename unless such elements used are connected directly to any Environmental Claim made which influences a consumer’s impression of the environmental impact of a product or service.
- i. Advertisers must refrain from making aspirational claims on the products/packaging/services about future environmental objectives unless they have developed clear and actionable plans detailing how those objectives will be achieved.
- j. The advertisers must clearly and prominently disclose the carbon offset claims if the offset does not occur within the next two years. Advertisements must not directly or by implication claim that a carbon offset represents an emission reduction if the reduction, or the activity that caused the reduction.
- k. All claims pertaining to products being compostable, biodegradable, recyclable, nontoxic, free-of etc. advertisers must qualify the aspects to which the claims are attributed. The claims must have competent and reliable scientific evidence to show that:
 - a. The product or the qualified component where applicable will break down within a reasonably short period of time after customary disposal.
 - b. The product is free of elements that can lead to environmental hazards.

Source: **The Advertising Standards Council of India**





[MoEFCC invites comments on Draft Liquid Waste Management Rules, 2024; prescribes duties and obligations of various entities regarding generation and disposal of liquid waste](#)

The Ministry of Forest, Environment and Climate Change (“Ministry”) has invited public comments on Draft Liquid Waste Management Rules, 2024 (“Draft Rules”). Objections or suggestions on the proposals contained in the Draft rules may be addressed to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-110 003 or electronically via e-mail at: sohsmd-mef@gov.in.

Source: **Ministry of Environment, Forest and Climate Change**

MCA invites comments on the Report of Committee on Digital Competition Law and the draft Digital Competition Bill

The Ministry of Corporate Affairs (“MCA”) has recently invited comments on the (a) Report of Committee on Digital Competition Law and (b) the draft Digital Competition Bill till 15th April, 2024. The Report is placed under the section ‘Data & Reports [Reports>>> Library (Expert Committee Reports)]’ on the website of MCA (expected to be uploaded on 15-03-2024). A copy of the same can also be found on the MCA website under the ‘e-Consultation module’, and any comments or ideas can be sent on this module.

To examine the need for an ex-ante regulatory mechanism for digital markets in India, the Committee on Digital Competition Law (Committee) was set up on 6th February, 2023. The Committee was tasked with the responsibility of reviewing the current provisions of the Competition Act, 2002; assessing whether they are sufficient to deal with challenges that have emerged from the digital economy; and evaluating whether a separate legislation to regulate digital markets is needed. The Report seeks to address the issues that are or may potentially become concerns in the anti-trust regime in the context of digital markets.

Source: [Ministry of Corporate Affairs](#)





[Environment Ministry issues draft Solid Waste Management Rules, 2024; comments invited](#)

The Ministry of Environment, Forest and Climate Change has issued the draft Solid Waste Management Rules, 2024 (“Draft Rules”) and has invited comments/suggestion (if any) from the public.

Objections or suggestions on the proposals may be addressed to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi-110 003 or electronically through e-mail at (sohsmd-mef@gov.in).

Source: **Ministry of Environment, Forest and Climate Change**

[CCPA invites comment on Draft Guidelines for the Prevention and Regulation of Greenwashing in Advertisements](#)

The Central Consumer Protection Authority (“CCPA”) has invited comments on the draft ‘Guidelines for the Prevention and Regulation of Greenwashing, 2024’ (“Draft Guidelines”). These guidelines aim to prevent and regulate Greenwashing* which has been defined to include unsubstantiated environmental claims and emphasizing positive environmental aspects without disclosing the harmful attributes.

The views/comments/suggestions on the proposed Guidelines may be sent by mail to com-ccpa@gov.in.

Source: **Central Consumer Protection Authority**

[Environment Ministry invites public comment on the Draft Environment Audit Notification](#)

The Ministry of Environment, Forest and Climate Change (“MoEFCC”) has proposed to issue Draft Environment Audit Notification (“Draft notification”). The Draft Notification is applicable for environmental audit of the projects, activities and processes which have to obtain environmental clearances and/or approvals from the Central Government or from the State Government under any Act or Rules or Regulations pertaining to Environment, Forest and Climate Change.

Objections or suggestions on the Draft Notification are invited. It should be sent to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi-110 003, or to the e-mail address at cea-moefcc@gov.in.

Source: **Ministry Of Environment, Forest And Climate Change**





RBI extends deadline for review of internal compliance monitoring function till 30th April, 2025

Reserve Bank of India ("RBI") has extended the deadline for comprehensive review of internal compliance monitoring processes. Regulated Entities ("REs") are now required to complete this review and make the necessary changes or implement new systems by 30th April 2025.

In addition, the RBI has directed the REs to ensure their workflow-based compliance management systems are fully equipped to integrate with the RBI's DAKSH portal through Straight-Through Processing ("STP") while maintaining robust data security and data protection measures. To assist with this, REs may refer to the IBA model framework as a guide. The RBI will monitor the progress in this regard through the DAKSH portal on a periodic basis.

Given that the compliance management system must now be integrated with the DAKSH portal, we are currently connecting with the RBI to understand the detailed procedures involved. We may also require your assistance in identifying specific areas where API integration will need to be implemented.

Please feel free to reach out for further clarifications.

Source: **Reserve Bank of India**



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Calcutta High Court Upholds Maternity Benefit Rights for Contractual Employees

The Calcutta High Court (“HC”), in a recent case, ruled in favour of the petitioner, holding that the denial of maternity benefits constituted discrimination, violated the petitioner's legal rights, and directed the respondents to provide compensation in the form of maternity leave with pay.

HC ruled in favour of the petitioner, holding that the denial of maternity benefits constituted discrimination and violated her legal rights. It directed the respondents to provide compensation in the form of maternity leave with pay for the period it was denied, emphasizing the importance of upholding maternity benefits for the well-being of both mothers and newborns, as well as for the nation's future development.

Statutory Limitation does not apply to the complaint of Sexual harassment at workplace

The Madras HC in a case has recently observed that an allegation of rape of continuous molestation and harassment, unlike a lewd inappropriate remark, is a continuing misconduct and every day till the situation is redressed, a fresh cause of action arises. The case under review involved a petition challenging an enquiry report by the ICC regarding a rape complaint filed against him by a female colleague. The alleged incident occurred in April 2018, the formal complaint was lodged by the victim much later, in December 2022. The petitioner argued that the delay invalidated the complaint under the statute of limitations set by Section 9* of the POSH Act, which mandates that complaints must be filed within three to six months of the incident. By defining such offences as continuing, the HC ruled that they should not be barred by the six-month period of limitation. This interpretation ensures that victims not to be deprived of their right to seek redressal due to delays caused by their ongoing trauma and fear of secondary victimization. The injury added up every day when the victim was made to keep quiet and face the accused at the workplace. The HC refused to quash the ICC enquiry report, noting that the statutory limitation should not bar complaints in cases of grave offences causing ongoing trauma. The Court directed that the ICC to be reconstituted to address the petitioner's grievances regarding cross-examination of witnesses.





Not designation, but the work performed determines the ‘workmen’ status of an employee: Bombay High Court

In a recent case revolving around the scope of ‘workmen’ under the Industrial Disputes Act, the Bombay High Court held that employees classified as manual, skilled and unskilled workers are workmen under *Section 2(s) of the Industries Disputes “I.D.” Act and cannot be managers or in supervisory category.

The Respondent-union had presented a Charter of Demands calling for higher pay, benefits, and workers emoluments on behalf of 44 employees. But, due to the failure of the conciliation process, the matter was referred to the Industrial Tribunal for resolution. The petitioner-company contended that since the employees were carrying out management or administrative tasks, they do not fall under the definition of “workmen” under the I.D. Act to which the respondent defended that since the employee’s primary duties were manual, skilled, and unskilled, they were in fact ‘workmen’. The Industrial Tribunal by Order, determined that the employees were indeed “workmen” under the I.D. Act

Exaggeration in advertising is permissible as long as the interest of the consumer is not compromised: Delhi High Court

The Delhi High Court in a recent case, upheld the petitioner's argument that advertising, including exaggerations and hyperbole, is protected under *Article 19(1)(a) of the Constitution and cannot be entirely curtailed. It granted interim protection to the petitioner, staying the order of ASCI and emphasized the importance of upholding the petitioner's right to advertise.

This case revolved around a dispute over an advertisement claimed to provide the purest water. ASCI recommended modifications to the advertisement, citing lack of verifiable data and misleading exaggeration.

The HC, on appeal, reaffirmed that advertising as ‘commercial speech’ is protected under Article 19(1)(a) of the Constitution and observed that ‘Puffery’ in advertising is permissible as long as the interest of the consumer is not compromised. In the present case, the complaint is not by a consumer but by a competitor and no consumer has complained that he/she is misled due to the exaggeration that the Plaintiff gives the purest water. Such exaggerations, puffery, hyperbole is part of advertising which cannot be completely curtailed, except in accordance with law.” The HC further noted that if any restraint is to be placed on such a right, there must be authority of law. The ASCI being a body which regulates the conduct of its members and its code being self-regulatory in nature, there is a divergence of opinion as to whether the Code would apply to non-members. Therefore, the issue of ASCI’s jurisdiction over non-members would have to be further considered. With these observations, the HC stayed ASCI's order till the next date of hearing.





KEY CORPORATE SECRETARIAL UPDATES

1. SEBI removes requirement to deposit 1% of the issue size for public subscription by Issuers
2. SEBI notifies SEBI (Buy-Back of Securities) (Second Amendment) Regulation, 2024; Introduces provision for computation of the entitlement ratio
3. SEBI issues revised framework for Cybersecurity and Cyber resilience to be implemented by Regulated Entities
4. SEBI notifies amendments to the LODR Regulations; determines Market Capitalization Criteria, mandates filling in vacancy of KMP and CEO in 6 months from the date of vacancy etc.
5. SEBI issues SEBI (Prohibition of Insider Trading) (Third Amendment) Regulations, 2024; modifies the definition of connected person
6. MCA revises the Form MGT-6 for filing return on receiving declaration in respect of beneficial interest in shares
7. MCA omits "Nidhi" from the list of undesirable words to name a company
8. SEBI rolls out Master Circular for Issue and Listing of Non-convertible Securities, Securitised Debt Instruments, Security Receipts, Municipal Debt Securities and Commercial Paper effective 22.05.2024
9. SEBI instructs listed entities to follow the industry standards published by Industry Standard Forum
10. SEBI Aligns Payment Obligation Reporting Timelines for Listed Non-Convertible Securities and Commercial Paper
11. SEBI introduces Environment, Social and Governance Debt Securities through amendment to SEBI (Issue and Listing of Non-Convertible Securities) Regulations, 2021
12. MSME Ministry mandates companies with turnover exceeding ₹250 crore to complete onboarding on TReDS platforms by 31.03.2025



KEY EHS UPDATES

- CPCB issues Guidelines for Environment Compensation to be levied for violation of various provisions of E-Waste Management Rules, 2022
- CPCB issues Revised Guidelines for Assessment of Environment Compensation to levy for violation of various provisions of Plastic Waste Management Rules, 2016
- Water (Prevention and Control of Pollution) Amendment Act, 2024 notified by Ministry of Law and Justice
- MOEFCC notifies methodology Green Credit for computing Green Credit with respect to tree plantation
- Environment Ministry amends Battery Waste Management Rules; revises the Table specifying obligation of producers regarding minimum use of domestically recycled materials in new Battery
- Public comments invited on draft Environment Protection (Extended Producer Responsibility for Packaging made from paper, glass and metal as well as sanitary products) Rules, 2024 till 4th February 2025

KEY LABOUR UPDATES

- EPFO further extends compliance deadline for UAN activation and Aadhaar seeding till 15th January, 2025
- EPFO issues clarification on earlier amendments to EPF Scheme, 1952; new damages recovery rate not to apply to default made up to 13th June, 2024
- Labour Ministry raises insurance cap and maximum assurance benefits for beneficiaries of deceased employee under Employees' Deposit-Linked Insurance (Second Amendment) Scheme, 2024
- EPFO issues clarification for settlement of claims; Aadhaar exemptions announced for International and foreign migrant workers for final settlements
- EPFO launches online system accessible through Unified Portal, enabling employers of exempted establishments to surrender exemptions and transfer past member accumulations
- EPFO introduces Digital Joint Request format for all new cases of enhanced EPF contributions under Employees' Provident Fund Scheme

Click on the image
to view our regulatory
updates page

Regulatory
Updates





KEY FISCAL & FEMA UPDATES

- Ministry of Finance notifies the Prevention of Money-laundering (Maintenance of Records) Amendment Rules, 2024; effective immediately
- Central Board of Direct Taxes has amended the Income Tax Rules, 1962 to carry out changes in Form 3CD
- CBDT notifies Rules and Forms for Direct Tax Vivad Se Vishwas Scheme (DTVSV), 2024
- Directorate General of Foreign Trade amended the provision of clubbing of Import and Export Authorization
- Export Oriented Units to obtain IGCR Identification Number (IIN) at ICEGATE portal for clearance of goods
- GSTN issues advisory on Invoice Management System allowing taxpayers to match
- GSTN releases advisory on integrated services from e-invoice-1 and e-invoice-2 Portals
- CBIC exempts taxpayers having aggregate turnover up to INR 2 crore from filing
- CBIC issues Central Goods and Services Tax (Amendment) Rules, 2024; Introduction of Form GSTR-1A for filing amendment in outward supplies
- Directorate General of Foreign Trade amended the provision of clubbing of Import and Export Authorization
- Goods and Services Tax Network (GSTN) has issued an advisory on introduction of Electronic Credit Reversal and Re-claimed statement on GST portal

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COMPLIANCE CALENDAR





KEY INDUSTRY SPECIFIC UPDATES

- **Food:** FSSAI mandates PAN integration for new and renewed licenses for Food Business Operators through FoSCoS portal
- **Food:** FSSAI directs FBOs to submit pre-approval self-certification before printing, airing and displaying digital advertisement
- **Food:** FSSAI updates risk-based inspection policy to include packaged drinking water and mineral water as 'high-risk foods category'
- **Explosive:** DPIIT notifies Explosives (Amendment) Rules, 2024; mandates quarterly submission of returns through centralized online tracking system
- **BFSI:** RBI amends Master Direction – Reserve Bank Of India (Regulatory Framework for Microfinance Loans) Directions, 2022
- **BFSI:** RBI directs PSPs to review their payment systems / devices in terms of accessibility to Persons with Disabilities
- **Pharma:** Reduced Custom Duty to nil and GST to 5% on three anti-cancer medicines, effective October 10, 2024, requiring price revisions by manufacturers
- **BFSI:** RBI amends Master Direction – Reserve Bank Of India (Regulatory Framework for Microfinance Loans) Directions, 2022
- **Electric Appliances:** Commerce Ministry notifies Safety of Household, Commercial and Similar Electrical Appliances (Quality Control) Order, 2024
- **BFSI:** RBI amends Master Direction - Non-Banking Financial Company - Account Aggregator; effective immediately
- **UPI:** NPCI issues guidelines on UPI features for UPI 123Pay
- **Pharma:** CDSCO mandates online-only submissions in Form-44 for veterinary drugs through SUGAM portal, ending offline options
- **Footwear:** DPIIT amends Footwear Made from all Rubber and all Polymeric Material and its Components (Quality Control), 2024: extends transitional period for sale of Non-BIS marked footwear until July 2026
- **Automotive:** Ministry of Heavy Industries extends the tenure of Production Linked Incentive Scheme for Automobiles and Auto components by one year
- **Telecom:** TRAI mandates whitelisted URLs/ APKS / OTT links for SMS traffic



Interesting Blogs & Articles of 2024



Zunaid Akhtar
Legal, Operations



AI Ethics: Compliance Guideline for Intermediaries on Deepfakes & Biased Algorithms

In the rapidly evolving digital landscape, intermediaries play a crucial role in facilitating communication and content sharing across various online platforms. But as technology advances, so do the challenges they face. One big concern is the spread of misinformation, especially through AI-generated deepfakes, which can seriously impact online safety and trust.

To address these issues, regulatory bodies like the Ministry of Electronics and Information Technology (MeitY) have, in recent times, been issuing guidelines. These guidelines aim to ensure that intermediaries take responsibility for what happens on their platforms. They emphasize clear communication with users, removal of harmful content, and preventing illegal activities like scamming.

In this blog, we will explore the effects of MeitY's guidelines on intermediaries. We will discuss key rules they need to follow and the steps they can take to make the digital world safer and more reliable for everyone.

THE TWO ADVISORIES BY THE INDIAN GOVERNMENT

Advisory 1 – Dec 2023

With a view to address the growing concerns regarding the spread of misinformation, especially through AI-generated deepfakes, the Ministry of Electronics and Information Technology (“MeitY”) had issued an advisory in December 2023 (“Advisory directing all intermediaries[1] to ensure compliance with the requirements under the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021”) (“Rules”). The Advisory required the intermediaries to ensure the following:

1. **Clear communication to the Users about Prohibited Actions:** Intermediaries have to ensure through their terms of service and users agreements it is clearly communicate to all their users that they cannot, among other things, host, upload, share any information that belongs to others without proper authorisation. Similarly, users need to be clearly informed that they cannot violate other requirements in Rule 3 (1)(b) of the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 (“Rules”), including that they are prohibited to host, display, upload, modify, publish, transmit, store, update, or share any information that:
 - Is defamatory, obscene, pornographic, invasive of privacy, insulting, harassing, racially or ethnically objectionable, or violates any laws.
 - Is harmful to children.
 - Infringes upon intellectual property rights.
 - Violates any existing laws.
 - Deceives or misleads others with false or misleading information.
 - Impersonates someone else.
 - Threatens national security, public order, or friendly relations with foreign states.
 - Contains harmful computer code or software viruses.
 - Is intentionally false and intended to mislead or harm others for financial gain.
2. **Communication to the users about the Legal Consequences:** The intermediaries also need to ensure that the users are well informed, including through terms of services and user agreements of the intermediary, about the consequence of dealing with the above-mentioned prohibited information on its platform, under various applicable laws. Further, their terms of service and user agreements must clearly highlight that they are under obligation to report legal violations to the law enforcement agencies under the relevant Indian laws applicable to the context.
3. **Removal of unlawful contents:** Further, the intermediaries were advised to conduct due diligence and remove unlawful contents from their platforms.
4. **Agreement to Procedures:** Intermediaries to incorporate “Agreed to” procedures in their platform to ensure that users do not violate the requirements enumerated in Rule 3(1)(b) of the Rules, as mentioned above.
5. **Grievance Redressal:** The intermediaries must ensure timely redressal of the grievances raised, whether through in-app reporting or through emails to the Grievance Officer. Also, for each grievance received, a ticket must be generated containing details of the grievance and the aggrieved.
6. **Preventing Advertisement of Illegal Activities:** Intermediaries were advised to take additional measures to prevent the advertisement of illegal loans and betting apps that have the potential to scam and mislead users. Further, it was clarified that the consequences of such advertisements, including any resulting scams or misinformation, will solely be the responsibility of the intermediaries.

Advisory 2 – Mar 2024

In response to instances of non-compliance with the Advisory and the due diligence obligations outlined in the Rules, MeitY has issued additional directives to all intermediaries. Intermediaries are now advised to ensure compliance with the following:

1. **Compliance with the Information Technology Act 2000:** The intermediaries need to ensure that the Artificial Intelligence models / LLM / Generative AI, software, or algorithms used on their platforms shall not facilitate the hosting, displaying, sharing, modifying, or dissemination of unlawful content outlined in Rule 3(1)(b) of the Rules (listed above) or violate any other provisions of the Information Technology Act 2000.
2. **Electoral Integrity:** The intermediaries also need to ensure that its computer resources do not promote bias, discrimination, or jeopardize the integrity of the electoral process. This includes ensuring that Artificial Intelligence technologies are not used in a manner that undermines electoral fairness.
3. **Government Permission for “Under-Testing” AI:** The intermediaries must:
 - Seek explicit permission from the Government of India before deploying Artificial Intelligence models software, or algorithms on the Indian internet which are still undergoing testing or are unreliable.
 - Ensure that any such deployment is accompanied by clear labelling of the potential fallibility or unreliability of the output generated.
 - Implement a ‘consent popup’ mechanism to inform users explicitly about the inherent limitations of under-testing or unreliable AI technologies.
4. **User Awareness:** The intermediaries need to clearly inform all users, through terms of service and user agreements, about the consequences of engaging with unlawful information, as enumerated Rule 3(1)(b) of the Rules, on the platform. Also, they must clearly outline potential actions such as disabling access to or removal of non-compliant information, suspension or termination of user accounts, and possible legal repercussions under applicable laws.
5. **Labelling of Synthetic Content:** If any intermediary’s software or computer resource allows the creation, generation, or modification of text, audio, visual, or audio-visual content that could potentially be used as misinformation or deepfakes, such intermediary is advised to label or embed such content with a unique metadata or identifier. Such label or identifier should be permanent and unique, and must facilitate:
 - Identification of such information to be created, generated or modified using computer resource of the intermediary.
 - Identification of the user of the software or such other computer resource
 - Identification of the intermediary through whose software or such other computer resource such information has been created, generated or modified.
 - Identification of the creator or first originator of such misinformation or deepfake.

As AI continues to evolve, intermediaries face the challenge of balancing innovation with regulatory compliance and ethical considerations. While the guidelines and obligations set forth provide a foundational framework, their long-term effectiveness in curbing risks like deepfakes and algorithmic bias remains to be seen. By actively engaging with these early-stage requirements, intermediaries can play a constructive role in shaping an ethical and secure digital environment. As the regulatory landscape develops, staying adaptable and vigilant will be key to navigating the complexities of AI governance.



BRSR and Beyond: Fostering inclusive impact across an organization's entire value-chain

Written by



Antara Dasgupta
VP - Legal Operations
Lexplosion Solutions



Saloni Fadnis
Deputy Company Secretary
Asian Paints Limited

BRSR and Beyond: Fostering inclusive impact across an organization's entire value-chain

As India's Top 150 listed companies (by market capitalization) are poised to file their first-ever ESG disclosures for its value-chain through BRSR Core in the Annual Report from FY 2023–24 onwards, let's delve into the model of governance underpinning the Business Responsibility and Sustainability Reporting (BRSR). In all this while if you are of the view that BRSR holds significance only for the foremost listed companies, we would recommend you spare a few minutes reading this blog. Here, we have attempted to express that while the onus to report BRSR rests on the listed entity/ies, the thrust is on fostering environmental, sustainability and governance across its entire business value chain.

As evident, since the listed entities will be required to make disclosures and obtain assurance as per the BRSR Core for their value chain, they will have a fair amount of responsibility to collate the data, check its accuracy, validate it and confirm on its credibility as they will be making these disclosures in their Annual Report. Hence, we notice a fiduciary relation of sorts between the listed entity who is required to file the BRSR Report and its value chain partner to ensure the data is correct and accurate. Reporting on sustainability has its own challenges. It is not only expensive but needs a fair amount of investment to hire experts and professionals in getting the necessary data points in order.

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Hidden costs of overlooking Diversity, Equity and Inclusion (“DEI”) Compliance: Why Indian Companies must prioritize Diversity, Equity and Inclusion



Hidden costs of overlooking Diversity, Equity and Inclusion (“DEI”) Compliance: Why Indian Companies must prioritize Diversity, Equity and Inclusion



Nishtha Chakrabarti
Legal, Operations



Diversity, equality, and inclusion (“DEI”) is an organizational structure designed to promote fairness in treatment, equal compensation, opportunity, and inclusiveness for a wide range of employees with distinct identities in the workplace. Diversity, equity, and inclusion are often put together because they are interconnected, and the benefit is only seen when they are combined. These are the words used to express three ideals that most organizations try to reflect in order to better meet the requirements of employees. Indian laws and regulations impose some compliance management system on employers for ensuring diversity, equality and safe working environment for their employees.

This blog attempts to succinctly cover such DEI compliance obligations emanating under Indian legislations along with penal ramifications for non-compliance.

It is mandatory for organizations to conform to DEI obligations under Indian legislations to evade extortionate fines and ensure fair treatment, equal opportunities, and inclusiveness for employees. Lexplosion has supported companies across various industries in monitoring their compliance through our compliance management software Komrisk. For more information on completion of a compliance circle reach out to us at inquiries@lexplosion.in.

[Click here](#) to read our blog

Framework for SEBI Regulated Entities to mitigate risks from cloud services



Framework for SEBI Regulated Entities to mitigate risks from cloud services

If you are a SEBI Regulated Entity (“RE”),[1] – a depository, a depository participant or an asset management company (“AMC”), for example, you have less than a month left (i.e., by 06 March, 2024) to adhere to the compliance framework on adoption of cloud services, issued by SEBI[2] for your existing or new cloud onboarding projects. The framework is principle-based, and it aims to make REs aware of the cyber security risks and challenges which cloud computing brings with itself.

SEBI’s intent: “To protect the interests of investors in securities and to promote the development of, and to regulate the securities market.”

What does this framework recommend?

Baseline security measures are required to be implemented (by RE and CSP), and RE may decide to add additional measures as per their business needs, technology risk assessment,



Baishali Chakraborty
Legal, Operations



risk appetite, compliance requirements arising out of applicable circulars/ guidelines/ advisories issued by SEBI from time to time, etc.

Principles of the Framework

1. Governance, Risk and Compliance Sub-Framework
2. Selection of Cloud Service Providers
3. Data Ownership and Data Localization
4. Responsibility of the Regulated Entity
5. Due Diligence by the Regulated Entity
6. Security Controls
7. Contractual and Regulatory Obligations
8. BCP, Disaster Recovery & Cyber Resilience
9. Vendor Lock-in and Concentration Risk Management

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Antara Dasgupta
Legal, Operations



The Blueprint for effective implementation of compliance management software for Indian organizations

In today's dynamic legal environment, navigating the complex landscape of regulations is more than a legal formality—it's a strategic asset. By implementing robust compliance management software, Indian companies can reduce legal risks, enhance stakeholder confidence, ensure long-term financial stability, and protect the reputation of their business. Today, businesses are not only accountable to their shareholders but also its various other stakeholders such as their employees, community, and environment.

This blog serves as a blueprint, offering businesses comprehensive insights to navigate

the complexities of the Regulatory Compliance Management System in India. The aim is to equip businesses with the essential points required for effectively implementing regulatory compliance systems within their organizations. Before delving into the key insights, let's first understand what constitutes Regulatory Compliance.

Regulatory compliance management system in India

Regulatory compliance stands as a cornerstone of responsible corporate governance. It involves adhering to laws, regulations, guidelines, and standards established by government agencies, industry bodies, or other regulatory bodies. The consequences of improper compliance management can be severe, including legal penalties, fines, sanctions, reputational damage, loss of licenses or permits, and other adverse consequences. Organizations invest significant resources in understanding, implementing, and monitoring compliance obligations to mitigate risks and uphold their responsibilities to stakeholders and society.

While most, if not all companies, would strive to be 100% compliant with all applicable rules and regulations, let us take you through some of the key challenges that comes in the way:

Multiplicity of legislation: The legislative landscape in India is characterized by its multiplicity, stemming from the Union List, State List, and Concurrent List, each governing various aspects of legislation. This complexity is further compounded by the interplay of Central Acts alongside Central Rules, Central Acts in conjunction with State Rules, and State Acts complemented by their respective rules. These legal frameworks span across diverse sectors, industries, and organizations, leading to a maze of regulations. Moreover, the regulatory framework extends beyond general legislation, encompassing a plethora of industry-specific laws enforced by various regulatory bodies such as the Securities and Exchange Board of India (SEBI), Ministry of Corporate Affairs, Ministry of Labour and Employment, Insurance Regulatory and Development Authority of India (IRDAI), Food Safety and Standards Authority of India (FSSAI), among others. This extensive array of laws and regulations often poses a daunting challenge, making it overwhelming to comprehensively identify all applicable regulations pertinent to a particular business without oversight.

Frequent changes in law: The ever-evolving nature of our regulatory framework demands continuous vigilance to track new enactments and swift amendments to existing laws. Staying abreast of these changes poses a significant challenge, particularly in a country characterized by a multitude of laws spanning diverse industries and sectors. Keeping pace with the latest legal requirements becomes increasingly challenging amidst the constant influx of regulatory updates. Given the sheer volume and complexity of regulatory changes,

even maintaining awareness of the current state of the law can be daunting. The dynamic nature of our regulatory environment underscores the critical importance of robust compliance mechanisms and proactive monitoring to ensure adherence to evolving legal obligations.

Limited resources: Many of the Indian in-house legal teams are constrained by limited budgets and often face challenges in allocating adequate resources to compliance initiatives. As a result, they encounter difficulties in maintaining full compliance with regulatory requirements, potentially leading to gaps in compliances.

Rising cost of compliance: With the introduction of each new law or regulatory recommendation, companies are compelled to undertake measures to manage compliance with the latest regulations. This includes investing in resources such as audits, policy updates, technology, and staff training. Consequently, the continuous evolution of regulatory requirements results in a rising cost of compliance for businesses.

The Complexity of Regulations: Navigating the complexity of regulations entails deciphering intricate legal frameworks to ascertain their exact relevance to specific business operations. This task can be daunting, requiring not only specialized expertise but also substantial resources and diligent effort to ensure accurate interpretation and compliance.

A Multi-Layered Compliance Landscape

In India, many regulators are regulating different kinds of industries. In addition to the regulators, there are certain Ministries which lay down the compliance obligations for industries. The manufacturing industry needs to abide by multiple regulations and ensure

adherence to compliance obligations from environmental, labour as well as product-specific perspective. For example- A manufacturing industry having multiple factories in multiple jurisdictions broadly needs to abide by several state specific labour laws and compliances, like Gratuity Act and rules, Maternity benefit acts and rules, Labour welfare rules, in addition to environmental related compliances like Fire Acts and Rules if the premise is owned, consent related compliances under Air and Water Acts, groundwater regulation compliances in case ground water is used/extracted within such premise, etc. Apart from these, certain operational compliances will also be required to be adhered to by the industries, such as if the manufacturing industry is into manufacturing medical devices, then depending on the type of medical device manufactured by them, certain licenses will be required to be obtained. Compliances may vary depending on the type of facility available in such factory, that is, if revolving machinery is used in a particular factory then the safety compliance related to such machinery needs to be adhered to, or if the threshold of labours present in the premise crosses certain limit then the compliance related to canteen facilities, creche facility, paint, varnishing, lighting conditions in such factory has to be fulfilled, etc.

Essential steps for flawless implementation of regulatory compliance management system for Indian operations

To effectively implement a comprehensive regulatory compliance system across any Indian organization, a strategic and well-structured approach is crucial. Here's a comprehensive guideline to effectively implement the system:

Leverage the use of Technology:
Implementation of compliance management

software for centralized process, monitoring, reporting, and auditing purposes is essential.

Ongoing Completion of Compliance Obligation: An effective compliance management system captures the documents, roles, responsibilities, and ongoing compliance tasks of key personnel. Regular completion of compliances by each functional department assists the industry in monitoring comprehensive data for each unit and location.

Ongoing Training and Support: Ensuring ongoing training and support for users involved in a compliance function within the organization is also one of the main factors which leads to the successful implementation of a compliance management system within the organization.

Continuous Updating of Compliances: There are several changes which are introduced by several regulators on a day-to-day basis. Staying on top of all the regulatory changes impacting business is a tedious task. Effective implementation of a compliance management solution involves choosing the right system as well where the contents and amendments with respect to laws/regulations and compliance are effectively updated continuously.

By proactively managing changes and implementing robust transitioning, training and monitoring processes, organizations can maintain operational continuity, minimize disruptions, and ensure that compliance obligations are consistently met and thereby implement an effective compliance management system within the organization.

For over 17 years, Lexplosion has been at the forefront of compliance innovation, leveraging cutting-edge technology to revolutionize the way organizations manage their compliance needs.

Our flagship product, Komrisk, is a game-changing compliance management software that has been battle-tested across a diverse range of industries, from the fast-paced world of FMCG to the highly regulated realms of medical devices and pharmaceuticals, from the manufacturing powerhouses to the dynamic automotive sector.

If you're ready to elevate your compliance game, embrace the future of compliance management, and embark on a journey of unparalleled efficiency and risk mitigation, the time to get Komrisked is now. Don't hesitate – reach out to us at inquiries@lexplosion.in and let our Komrisk warriors guide you through a seamless compliance transformation that will leave your competitors in awe. Get Komrisked today and experience the power of compliance innovation!



*Happy
New Year*
— 2025 —

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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.

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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.



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14TH DECEMBER

NATIONAL ENERGY CONSERVATION DAY

National Energy Conservation Day highlights the vital role of energy conservation in protecting the environment, reducing carbon emissions, and advancing global sustainability goals.

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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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Kunal Kumar
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Komtrakt has been a reliable Partner in automisation of Legal Document process flow. Komtrakt portal is very responsive and easy to use solution and the quick response of tech support team makes the product very reliable and ease to use solution

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.

Megha Bhutani
Endress + Hauser
Flowtec (India) Pvt. Ltd.

The CLM (Komtrakt) platform has streamlined our contract process, saving us valuable time and resources. The intuitive interface made it easy for our team to collaborate, track contracts and meet deadlines effectively. Particularly features like automated reminders, customisable workflows and approval matrix significantly enhanced our efficiency and accuracy in managing contracts. We really find this a reliable and user-friendly contract management tool.

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 and now have office in Singapore.

Lexplosion is a Member Firm of Leading Indian Industry Associations



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