



Statcomp Technology Private Limited  
**ComplianceTrack**  
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STATCOMP TECHNOLOGY | COMPLIANCE TRACK

# NEWSLETTER

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# NEWSLETTER

## Section 1: Four New Codes

### 1. CODE ON WAGES ACT (2019)

#### Notifications

- **PIB / Ministry Notification (21 Nov 2025)**

Government press release announcing the **implementation of the Codes** and directing departments to operationalise rules and portal integrations. Employers should treat the Code on Wages as operative **from 21-Nov-2025** and follow **subsequent state notifications for minimum wages**.



#### News

- **Unions protest at rollout of India's new labour codes**



- The Union Government brought the four labour codes (including the Code on Wages) into force on **21 November 2025**. This means the Code on Wages is now the **primary statute governing wage definitions**, minimum-wage implementation and timely payment obligations. Employers must therefore align payroll structures and minimum-wage application to the Code's definitions.
- Trade unions staged nationwide **protests on 26 November 2025** **objecting to certain elements** of the codes (including concerns about contractualization and thresholds for lay-offs/closures). Expect further political and litigation activity that may affect interpretation of wage-related provisions.

## 2. INDUSTRIAL RELATIONS CODE (IRC, 2020)

### Notifications

- **Central press guidance / PIB (21 Nov 2025)**

Ministry **press releases** summarise the **IRC changes** and **instruct states/administrations** to bring **procedural rules and portals online**. Employers should watch **state gazettes for process-level notifications** (certification of standing orders; rules for recognition).



### News

- **Government Rolls Out IRC; States Asked to Operationalise Rules as Industrial Tensions Rise**



- With effect from **21 November 2025**, the IRC is in force nationally; the Code raises the headcount threshold for **prior government permission for layoffs/retranchment to 300 employees** — a material change for many mid-sized employers. This will **affect employers' ability to restructure** headcount without prior approval.
- **Trade unions** actively **protested the Codes on 26 Nov 2025**; industrial-relations tensions may lead to **more litigation and negotiations** around standing orders and retranchment practices.



### 3. CODE ON SOCIAL SECURITY (CSS, 2020)

## Notifications

- **ESIC circular (28 Nov 2025)**

ESIC issued an **implementation circular** to all **regional offices** confirming the **Social Security Code (2020)** comes into force from 21-Nov-2025 and directing office-level steps. Employers with **ESIC-covered employees** should follow **regional ESIC instructions** for **registration and claims continuity**.

- **PIB Gazette Notification (21 Nov 2025)**

Gazette notification making the Codes effective; **employers** must watch follow-on rules on **contribution rates, registration windows and schemes rollout**.



## Judgements



- **Shukal Gupta vs ESIC (Delhi High Court — 15 Nov 2025)**

The **High Court** addressed ESIC's power to assess omitted **wages and confirmed ESIC's** enduring assessment powers for historical omissions — reminder that **ESIC can pursue long-running assessment claims** and employers **remain liable for omitted**

contributions. (This decision **underscores the continuing risk** of retrospective ESIC demands during the Code transition.)





## News

### ● **Social Security Code Effective: Employers Face New Compliance Duties as ESIC Enforcement Tightens**



- CSS was brought into effect on **21 November 2025**; **ESIC** and **EPFO** administrative wings issued guidance to begin **implementation and registration steps** following the Gazette notification. Employers must register **eligible workers** and begin contribution compliance as per transitional rules.

- ESIC issued **internal implementation instructions** (circulars to Regional Directors/Medical Superintendents) acknowledging the Code's operation and directing administrative steps for **medical/benefit continuity**.

#### 4. **OCCUPATIONAL SAFETY, HEALTH & WORKING CONDITIONS CODE (OSHC, 2020)**

## Notifications

### ● **PIB / MoLE press notes (21–22 Nov 2025):**

Announcements summarising OSHWC features and asking state authorities to operationalise technical rules and enforcement mechanisms. States may notify sectoral rules — employers should track state-level OSH notifications for sector-specific standards.



## News

### ● **India Enforces Nationwide OSHWC Code, Standardising Workplace Safety and Compliance**

OSHC became effective nationwide on 21 November 2025, bringing uniform standards for safety audits, risk assessments, worker welfare (esp. for hazardous processes and night work), and mandatory safety systems. Employers will face standardised OSH obligations and inspection frameworks.

## Section 2: Provident Fund

- **International Workers Employed In India Must Contribute to Employees' Provident Fund : Delhi High Court**

### Notifications



On November 4, 2025, the **Delhi High Court** delivered a significant judgment upholding existing **government notifications** that mandate all **international workers in India** must contribute to the **Employees' Provident Fund (EPF)**.

The ruling confirmed the validity of the **original G.S.R. 706(E) of 2008** and **G.S.R. 148(E) of 2010**, which inserted Paragraph 83 into the EPF Scheme. This decision solidifies the legal requirement for companies to ensure their expatriate workforce complies with **mandatory EPF contributions**, dismissing challenges to the provisions' constitutional validity.

### News

The **Delhi High Court** recently (November 4) ruled that **international workers employed in Indian companies**, who are not covered by a social security scheme in their home country, must **enroll in and contribute to the Employees' Provident Fund**. The court **rejected claims** that this requirement was **discriminatory or unconstitutional**.



## Judgement

### ● Delhi High Court — Expatriates / International Workers must contribute to Provident Fund (Nov 4, 2025)



On 4 November 2025, in the case of SpiceJet Ltd. & Ors. v. Employees' Provident Fund Organisation (EPFO) & Ors., the Delhi High Court upheld the **constitutional validity of the notifications (2008 & 2010)** under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 that **mandated PF-contributions for "International Workers" employed in India**. The **petitioners — foreign nationals working in India** — had challenged the

requirement arguing it was discriminatory under Article 14 of the Constitution. The Court **rejected** that argument, holding that the **classification between Indian and International Workers** was a reasonable classification based on **"economic duress" faced by long-term Indian workers** versus typically **short-term foreign employees**. Therefore, all **International Workers** (unless covered under a social-security agreement from their home country) must be **members of EPF**, and employers must contribute accordingly. This has **direct implications** for companies employing expatriates — **PF compliance cannot be ignored**, regardless of salary or nationality.

### ● EPFO Cannot Rely on Trust-Rule Ceiling to Deny Higher Pension; Calcutta High Court Quashes EPFO Orders Denying Higher Pension To Eligible Retirees, Terming It Abuse Of Law

## Notification

On November 14, 2025, the **Calcutta High Court** delivered a key judgment, ruling that the **EPFO cannot reject applications for higher pensions** from eligible employees of **"exempted establishments"** based on internal **"Trust Rules"** or a restrictive circular. The court emphasized that **statutory provisions** override trust rules and ordered the **EPFO to accept all valid joint options for higher pensions** after employees remit the required differential funds.





## Judgements

On November 14, 2025, the Calcutta High Court delivered a significant judgment in a batch of petitions, ruling in favor of employees from exempted establishments (including SAIL, IRCON, and BPCL) who sought higher pensions on their actual wages.

- **Key Directions:** The Court quashed the EPFO's orders that rejected these applications. It held that the EPFO could not use internal trust rules or a circular dated January 18, 2025, to deny higher pension benefits, as the EPFO's circular was found to be against the Supreme Court's Sunil Kumar B. judgment.
- **Principle of Equality:** The judgment emphasized that employees of both



exempted and unexempted establishments must be treated equally regarding pension benefits. The EPFO was directed to accept all eligible joint option forms submitted by the extended deadline and disburse higher pensions after receiving differential contributions with interest.

## News



The **Calcutta High Court**, in a significant ruling delivered on **November 14, 2025**, has held that the Employees' Provident Fund Organisation (EPFO) cannot use internal "**Trust Rules**" or a restrictive circular to deny higher pension benefits to eligible employees of **exempted establishments**. The Court found the EPFO's actions to be an "**abuse of the process of law**".

## Section 3: Employees State Insurance Act, 1948

- The Regional Office, ESIC vs. M/S Edifice Consultants Pvt Ltd

### Notification

This matter involves the **application and interpretation** of **existing statutory notifications** and acts, specifically **Section 1(5) and Section 2(9)** of the ESI Act, 1948, which define the applicability threshold (typically **10 or more persons employed**) and the definition of an **employee/establishment**.



There are **no new government** notifications arising directly from this specific **interim order**; rather, the judgment concerns the **interpretation of existing laws** and the applicability of prior **Supreme Court judgments** to the facts of this case.

### News

On November 10, 2025, the **Bombay High Court** ruled in the case of **The Regional Office, ESIC vs. M/S Edifice Consultants Pvt Ltd**. The case centered on whether the number of employees at an **architectural firm's head office** and its various **branches** should be aggregated to meet the threshold for coverage under the **Employees' State Insurance (ESI) Act**.



The **High Court** set aside the **previous E.I. Court order** and remanded the matter back for a fresh decision, citing the need to consider binding Supreme Court precedents regarding the aggregation of employees.

## Judgement

### • **Bombay High Court on ESIC Applicability (Nov 10, 2025)**



In the case of The **Regional Office**, ESIC vs. M/S Edifice Consultants Pvt Ltd, the **Bombay High Court** addressed whether the total number of employees across a company's **head office** and **branches** (within and outside Maharashtra) should be aggregated to determine if the **ESI Act** applies.

The court found the issue had **wider implications** and set aside a previous **ESI Court** judgment that relied on a non-binding precedent, allowing the appeal to be **re-examined** based on broader Supreme Court principles.

### • **Can ESIC Benefits Be Equal to Minimum Wages?**

## Notification

- The pronouncement notice for **18 November 2025** (when judgment was delivered) is publicly listed in the **daily orders of the court**.
- Several **legal-commentary** and **case-law aggregator websites** have published **summaries or full texts of the judgment**.



## News

- The case involves a **writ petition** (W.P.(C) 9748/2017) filed by “**Munna Prasad**” against the **Employees State Insurance Corporation & Another** (“ESIC & Anr.”).
- The core issue relates to **calculation of disability / permanent disablement benefits** under the Employees' State Insurance Act, 1948 — specifically, whether such benefits must be **aligned with minimum wage** (or a similar yardstick) when ESIC determines the **compensation payable to a disabled insured person**.

## Judgements

### • **Munna Prasad vs Employees' State Insurance Corporation – Disability Benefit vs Minimum Wages**

The Court held that **permanent disablement** benefits under the **ESI Act, 1948** cannot be automatically equated with the **Minimum Wages Act**. The benefit payable to an insured person must be **calculated strictly** as per the formula and **wage limits** prescribed under the **ESI Act** and its Regulations, and not on the basis of prevailing minimum wages.



The **Court clarified** that though the ESI Act is a **beneficial social security legislation**, importing **minimum wage standards** into the **ESI benefit calculation** would be against the **scheme and intention** of the Act. Therefore, **ESIC's** method of **calculating benefit** based on **contributory wages and statutory ceilings** is **legal and valid**.



### **Outcome:**

- ESIC's calculation method upheld
- Claim for linking disablement benefit to minimum wages rejected
- Significant for employers, HR, and compliance professionals dealing with ESI cases

## Section 4: Prevention of Sexual Harassment at Work (POSH)

### • Supreme Court on POSH Act applicability to women advocates (November 21, 2025)

#### News/Notification



- On 21 November 2025, the **Supreme Court of India (SC)** issued a notice to the **Bar Council of India (BCI)** and the **Union Government** in a petition seeking to apply the **POSH Act to women lawyers**.
- The petition was filed by the **Supreme Court Women Lawyers Association (SCWLA)**, challenging a recent ruling of the **Bombay High Court (HC)** that had held that POSH does not apply to **practising women advocates** complaining against other advocates — because there is **no employer–employee relationship between advocates and bar councils**.
- By issuing notice, SC has effectively admitted the **plea for consideration**, and asked the BCI and Centre to respond. This means the **issue — whether bar councils/associations and practicing advocates fall under “workplace / employee” definitions under POSH — is now before the highest court.**

#### Judgement

- The **Supreme Court issued notice to the Centre** and the **Bar Council of India (BCI)** on a plea seeking protection for women advocates under the **POSH Act**.
- The **plea challenges** the Bombay High Court ruling that **POSH does not apply to disputes between advocates**, as there is no employer-employee relationship.
- The petition argues this interpretation **denies women lawyers statutory protection** from workplace harassment.
- The Supreme Court has admitted the matter for hearing but **no final judgment** has been delivered yet
- The decision will clarify whether **bar councils and courts can be treated as “workplaces” under POSH.**



## ● Effective implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) in all Educational Institutions.

### News/ Notification

- The **University Grants Commission (UGC)** has issued a directive (Nov 2025) to all **higher educational institutions (HEIs)** to strictly **implement the POSH Act** — ensuring functional Internal Complaints Committees (ICCs), awareness programmes, and transparent redressal mechanisms on campus.
- Alongside, the **National Commission for Women (NCW)** has called for a renewed push for compliance, targeting gaps



in **campus safety and harassment prevention across universities and colleges**. HEIs have been asked to submit compliance reports (2024–25) via the UGC's reporting portal.

- At the state level, following serious incidents of harassment and a tragic case of a **student's self-harm (in 2025)**, the government of Government of **Odisha ordered** strict POSH compliance in all educational institutions — mandating ICC formation, installation of complaint-redressal mechanisms via the **"SHe-Box"** portal, display of helpline numbers, and awareness among staff and students.

### Judgement



- The UGC's recent circular emphasises that **educational institutions** are legally bound to treat themselves as **"workplaces"** under the POSH Act, and must provide safe, gender-sensitive environments through robust complaint handling and prevention mechanisms.
- The directive calls for **fully functional ICCs** (not just token committees), regular awareness and sensitization programs for **students, faculty and staff**, and transparent procedures for lodging and resolving complaints.
- Institutions are also required to **report their POSH-compliance status** — including formation of ICCs, redressal outcomes, training sessions — indicating an attempt to make compliance measurable and accountable.
- The move reflects recognition of persistent under-reporting of harassment in campuses, and aims to close enforcement gaps by combining statutory duty with awareness, reporting, and monitoring.



## Section 5: Shop & Establishment Act, 1947

- **Amendment ordinance to the Haryana Shops and Commercial Establishments Acts, 1958, promulgated by the state govt.**

### News/ Notification



- On 11 November 2025, the Governor of **Government of Haryana** promulgated the Haryana Shops and Commercial Establishments (Amendment) Ordinance, 2025 (Ordinance No. 4 of 2025), amending the 1958 Act.
- The **Gazette notification** was issued on 12 November 2025.
- The amendment is being presented as part of a broader drive to modernise labour laws in the state, simplify compliance, and align with **“ease of doing business” objectives**.

## Judgement

### ● Haryana Shops & Commercial Establishments Act — 2025 Amendment

- **Full compliance** now applies only to establishments with **20+ workers**; smaller units only give basic online intimation.
- **Daily working hours** increased to **10** and **overtime limit** raised to **156 hours/quarter (paid at double rate)**.
- **Registration moved online** with lifetime validity; no renewals required.
- **Imprisonment removed** for **minor offences** — replaced with monetary fines.
- Employers must issue **appointment letters and ID cards to workers**.

