

2022

Regulatory Round-up



KOMMUNICATE

Compliance Changes Communicated

Yearly Regulatory Round-up 2022

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As 2022 draws to a close, we would like to take you through the key regulatory developments that have taken place during the year.

During this year we witnessed several changes impacting Indian businesses cutting across multiple industries be it by enacting new legislations or by amending existing law to introducing electronic means for filings and record maintenance to initiatives to promote Ease of Doing Business in India.

New legislations to regulate battery waste and e-waste have kicked in, rules to regulate direct selling activities, guidelines to regulate credit, debit and co-branded card businesses and further new food regulations recognizing Ayurveda Aahara products, manufacturers of Vegan Foods and Nutraceuticals to ensure quality is maintained have also been enacted.

Proposals to decriminalize penal provisions under Water & Air prevention of pollution laws, Environment Protection Act and the Public Liability Insurance Act etc. are also underway. New CSR filing obligations are introduced mandating companies to whom CSR apply to submit a comprehensive report. Further, to raise the bar for ESG disclosures in India, effective FY 2022-2023, Top 1000 listed companies are mandatorily required to file the BRSR Report.

Making it possible for women to work during night shifts as well, several States have rolled out conditions under which employers can employ women during night shifts in shops and establishments.

We could list lots more significant amendments from 2022: be SOPs for SEZ units to follow for permitting employees to work from home or any place outside SEZ to making sure quality certificates issued to the manufacturers of medical devices are obtained only from the competent Licensing Authority.

To empower consumers and product buyers in the local market, the foundation stones for developing an overall framework for the Right to Repair in India is laid. Also, to ensure processing of digital personal data is done in a manner that recognizes both the right of individuals to protect their personal data and the need to process personal data for lawful purposes the Digital Personal Data Protection Bill is rolled out. While several State Government/s published draft Rules inviting comments from all stakeholders, there is no line of sight yet on the implementation of the new Labour Codes.

While the changes we have covered in this round-up have happened during this year, they will impact organizations in 2023 and beyond.


Season's Greetings to each one of you! Wish you and your family a very Happy New Year.

Team Lexplosion



Environment Ministry notifies the E-Waste (Management) Rules, 2022; effective 1st April 2023


Environment Ministry notifies the E-Waste (Management) Rules, 2022 effective 01.04.2023

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Government notifies New Rules to regulate Battery Waste; Batteries (Management and Handling) Rules, 2001 stands repealed



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Government of Andhra Pradesh notifies the Consumer Protection (Direct Selling) Rules 2021; casts compliance obligations on direct selling entities and direct selling practices

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New Rules under the Inland Vessels Act, 2021

- Registration and other technical issues
- Prevention and Containment of Pollution
- Life Saving Appliances
- Manning
- Safe Navigation, Communication and Signals
- Fire Fighting Appliances
- Crew and Passenger Accommodation
- Survey and Certification



FSSAI notifies the Food Safety and Standards (Ayurveda Aahara) Regulations, 2022 under the Food Safety and Standards Act, 2006

FSSAI rolls out Food Safety and Standards (Ayurveda Aahara) Regulations, 2022 under the Food Safety and Standards Act, 2006

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RBI rolls out directions to regulate credit, debit and co-branded card businesses applicable on all NBFCs as well; effective 01.07.2022

RBI rolls out directions to regulate Credit, Debit and Co-branded Card businesses; slated to gain effect from 1st July, 2022; directions on credit cards applicable on all NBFCs as well




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Haryana Government notifies Haryana Electric Vehicle Policy-2022 for a period of 5 years with immediate effect; aims to reduce carbon footprints and encourage citizens to buy Electric Vehicles.

Key highlights of the Overseas Investments Directions, Rules, Regulations and Reporting Requirements issued by RBI.



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Power Ministry notifies Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022; aimed at promoting generation, purchase and consumption of green energy including energy from Waste-to-Energy plant.

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The Ministry of Consumer Affairs notifies the Consumer Protection (Direct Selling) Rules 2021; casts compliance obligations on direct selling entities and direct selling practices.



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While the Four Labour Codes remain laws in the making, we present to you a Pan India Reckoner reflecting the status of the Draft Rules rolled out by various States in India till date.

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MSME Ministry rolls out draft National Policy for Micro, Small and Medium Enterprises (MSME) in India; proposes action areas to build an eco-system for rapid growth of MSME

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The Department of Consumer Affairs has set up a committee to develop a comprehensive framework for 'Right to Repair'. It requires original equipment manufacturers (OEM) to make diagnostic and repair information available to independent repair providers and consumers. On this topic, we have written a blog and have also conducted a webinar.



Click to read the blog 




Right to Repair, the Indian Road ahead.

Click to listen to our webinar 

Meity has rolled out a revamped version of the 'Digital Personal Data Protection Bill, 2022' to provide processing of digital personal data in a manner that recognizes both the right of individuals to protect their personal data and the need to process personal data for lawful purposes. We conducted a webinar on this topic.



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Micro and Small Enterprises Facilitation Council has the power to act as an arbitrator despite an independent arbitration agreement between parties

The Supreme Court of India (“SC”), in Gujarat State Civil Supplies Corporation Ltd. Vs. Mahakali Foods Pvt. Ltd. has held that the Micro, Small and Medium Enterprises Development Act 2006 (“MSME Act”) does override the provisions of the Arbitration and Conciliation Act, 1996 (“Arbitration Act”) and hence, the Micro and Small Enterprises Facilitation Council (“FC”) would be competent to act as an arbitrator in a dispute regarding any amount due under Section 17 of the MSME Act, 2006 even if there is an independent arbitration agreement between the parties.

The SC clarified that the bar of a Conciliator acting as an arbitrator under Section 80 of the Arbitration Act will be superseded by Section 18 of the MSME Act which provides a mechanism to enable the parties having amounts due to resolve dispute by making a reference to the FC.

No offence of ‘Insider Trading’ is committed if a person possessing unpublished ‘price sensitive information’ enters into a transaction which is surely likely to result in loss

In a landmark judgment, SEBI Vs. Abhijit Rajan the Supreme Court (“SC”) has held that the sale by the Chairman of a company, of the shares held by him in that company would not fall within the mischief of ‘insider trading’ when it was like a distress sale, made before the ‘price sensitive information’ (“PSI”) could have a positive impact on the price of the shares. The said Chairman being an insider and possessing information which was both unpublished and price sensitive, had been accused of ‘insider trading’ for his dealing in the company’s securities.

Fire accident cannot be termed as ‘Act of God’ unless it occurs owing to external natural forces such as storm, floods, lightening or earthquake

The Supreme Court (SC) while deciding the matter State of Uttar Pradesh Vs. M/s. Mc Dowell and Co. Ltd. held that a Fire accident cannot be termed as an "Act of God", if it is not caused owing to external natural forces such as storm, floods, lightening or earthquake. The SC further held that obtaining insurance only for the value of liquor and not excise duty does not absolve the party's liability to pay excise duty.



***E-commerce entities cannot be made liable for sale of fake products by third parties if 'due diligence' requirements are duly observed***

Very recently, in Flipkart Internet Pvt. Ltd. Vs. State of NCT Delhi & Anr., a case involving sale of fake products through online platforms, the High Court of Delhi (“HC”) has held that, unless an active role is disclosed in the complaint, an e-commerce entity would be protected under section 79 of the Information Technology Act, 2000 (“I.T. Act”) which provides a “safe harbour” to “intermediaries” from liabilities for any third-party information, data, or communication link hosted on their platforms. Such protection is, however, granted if the intermediary duly observes “due diligence” obligations under Rule 3 of the I.T. Guidelines. The HC has further stated that the obligation to take down the offending material/sites, etc., from the online platform would arise only on service of a court order upon the intermediary.

Firms have an autonomy to choose their trading partners on different terms of trade if such terms are based on sound commercial logic not affecting the fair functioning of the markets

In a recent case, Hiveloop Technology & Parle Products Private Limited Vs. Mr. Ashok Kumar Gupta, Ms. Sangeeta Verma & Mr. Bhagwant Singh Bishnoi the Competition Commission of India (“CCI”) has held that the type and nature of distributors a manufacturer desires to partner with is an essential part of the autonomy of its business, and the CCI cannot normally substitute its regulatory wisdom for that of the commercial wisdom of the businesses, unless the commercial wisdom is palpably contradicting the provisions of the Competition Act, 2002 (“Act”) and the criteria laid down are apparently unfair or discriminatory and designed with a view to eliminate competition on merits.

SEBI orders disgorgement of unlawful gains made by creating artificial price and volume in the scrip of a company in violation of PFUTP Regulations

The Securities and Exchange Board of India (“SEBI”), in the matter of Dhyana Finstock Ltd., has ordered disgorgement of the amount gained unlawfully by creating a misleading appearance of trade in the scrip of a company. The SEBI has held that creating artificial price and volume in the scrip of a company; buying shares from the preferential allottees and selling those shares to the gullible investors by enticing them to the scrip after circulating fraudulent SMS had all the potential to induce the general investing public to trade in the scrip of that company and therefore, such acts are clear violations of Section 12A (a), (b) & (c) of SEBI Act, 1992 read with Regulation 3 (a), (b), (c), (d) and Regulation 4 (1) of the SEBI (Prohibition of Fraudulent and Unfair Trade Practices) Regulations, 2003 (“PFUTP Regulations”).





KEY CORPORATE SECRETARIAL UPDATES

- SEBI rolls out Guidelines for overseas investment by AIFs / VCFs, additionally requires AIFs/VCFs to report all overseas investments sold or divested till date.
- MCA amends Management and Administration Rules; restricts member related info. such as address, e-mail id, UIN, PAN No. from being disclosed during inspection/or taking extracts.
- MCA further allows companies to conduct EGMs through Video-Conferencing / Other Audio-Visual means till 31.12.2022.
- Companies must take daily back up of Books of Accounts etc. maintained in electronic mode (including at a place outside India) in servers physically located in India.
- Further to ACTIVE, RoC will soon be visiting Registered Office/s of companies to carry out physical verification of the premises.
- Now, companies having a paid-up capital not exceeding Rs. 4 crores and turnover not exceeding Rs. 40 crores are considered as Small Company; MCA revises definition of small company.
- RBI amends time limit for deferred payments arrangements in case of import of goods.
- NSE requires members to identify their KMP (Key Management Personnel) and update their PAN details on the exchange platform by 30.09.2022.
- SEBI issues Circular w.r.t. Disclosure obligations of listed entities in relation to Related Party Transactions.
- Effective 01.09.22, listed companies must mandatorily use digital signature certification to make various filings (except specified disclosures) to the Stock Exchange/s.
- NSE and BSE to take action against the listed companies for non-compliance with Structured Digital Database (SDD) requirement under the Prohibition of Insider Trading Regulations.
- SEBI amends LODR Regulations to allow appointment of an independent director without requisite majority of votes, extend Scheme of Arrangement to more entities.
- Central Govt. notifies Limited Liability Partnership (Amendment) Act, 2021, introduces the concept of small LLPs, decriminalizes certain offences.





KEY EHS UPDATES

- Proposals to decriminalize offences underway to the Water & Air Prevention of Pollution Acts, Environmental Protection Act and Public Liability Insurance Act, 1991.
- CPCB issues Guidelines for Assessment of Environment Compensation to be levied for violation of the provisions under the Plastic Waste Management Rules, 2016.
- Environment Ministry notifies Plastic Waste Management (Amendment) Rules, 2022; prescribes framework for implementation of Extended Producer Responsibility.
- Treatment of wastewater from multiple units in one Effluent Treatment Plant will no more be allowed by Rajasthan SPCB.
- Commission for Air Quality Management, NCR and adjoining areas permits regulated use of DG sets of capacity > 800 KW for industrial / commercial operations during the period under GRAP.
- Delhi PCC directs e-commerce companies, commercial establishments (including office complexes), producers etc. to eliminate single use plastic items and ensure zero inventory.

KEY FISCAL & FEMA UPDATES

- RBI increases the External commercial borrowing limit under automatic route.
- CBIC issues clarification on GST applicability on liquidated damages, compensation and penalty arising out of breach of contract.
- DGFT permits invoicing, payments and settlements of exports and imports in Indian Currency.
- CBIC notifies that ITC can be claimed as per GSTR-2B ; concept of availing provisional claim under ITC has been done away with.
- CBIC notifies revised time limit for claiming of Input Tax Credit of the previous financial year.
- CBIC mandates filing of details of outward supplies of previous month before filing of outward supply details for current period.





KEY LABOUR UPDATES

- Now, women availing maternity benefit of 26 weeks also entitled to claim sickness benefit (cash benefit) under ESI Rules;
- Haryana Govt. revises conditions for employing women during night shifts (between 7:00 pm and 6:00 am) in factories; earlier conditions stand superseded.
- Amendments notified to Madhya Pradesh Professional Tax Rules; provides for electronic / online filing of application for grant of registration certificate
- Haryana Labour Dept. exempts certain categories of employers i.e. new start-ups and ITeS etc. from the purview of 'Haryana State Employment of Local Candidates Act.
- Now, salary and wage earners in Gujarat with monthly salaries upto Rs.12,000/- will not be liable to profession tax; gains immediate effect.
- Haryana Government notifies conditions for employing women during night shifts (7:00 pm to 6:00 am) in any IT, ITeS, logistics and warehousing establishments etc. registered under the Punjab Shops and Commercial Establishments Act, 1958.
- All establishments in Telangana granted conditional exemption from prohibition on engaging women workers in night shifts (between 8:30 pm and 6:00 am).
- Labour Department, Gujarat dispenses with requirement to obtain NOC from fire department before making an application for new factory license or renewal thereof.
- Instead of exempting Shops and Establishments from renewing registrations, going forward employers in Andhra Pradesh to auto-renew S&E licenses through Mee-Seva portal.
- Employers of Shops and Establishments in Tamil Nadu now required to comply with a new set of Forms which can be maintained electronically or manually; provisions gain immediate effect.
- All Shops and Establishments in Brihanmumbai Municipal Corporation directed to ensure display of their Name Board in Marathi (Devanagiri script)
- Shops or establishments in Delhi seeking exemption from restriction on engaging young persons and women at night, opening and closing hours etc. directed to file application only through online portal.





- Shops and Commercial Establishments in Madhya Pradesh granted conditional exemption from prohibition on engaging women workers in night shifts (between 9:00 pm and 7:00 am).
- Provisions for issuing duplicate certificate and submitting quarterly returns under Kerala Shops and Establishment Rules, 1961 have been omitted.
- Puducherry Labour Department permits employers of shops and establishments to remain open 24 x7 on all days subject to complying with specific conditions.

KEY INDUSTRY SPECIFIC UPDATES

BFSI

- RBI launches a web-based application "DAKSH" to strengthen the supervisory processes and improve the compliance culture in Banks, NBFCs, etc.
- RBI rolls out implementation plan of 'Core Financial Services Solution' by NBFCs in advance ; fallout of the Scale Based Regulation (SBR).
- RBI rolls out new notification on Compliance Function and Role of Chief Compliance Officer (CCO) – NBFCs ; applicable to NBFC - ML and NBFC – UL.
- IRDAI issues cyber security standards for Insurance intermediaries including brokers, corporate agents, etc. under the Guidelines on Information and Cyber Security.
- IRDAI rolls out draft Issuance of e-Insurance Policies Regulations, 2022.
- RBI amends Payment and Settlement Systems Regs.; Now, System Participants also required to comply with payment instructions and other matters.; removes submitting various returns/documents to Bank.
- RBI issues circular on 'Outsourcing of Financial Services - Responsibilities of regulated entities employing Recovery Agents'.
- RBI notifies that Credit Information Companies to be treated as "Regulated Entity" under the RBI- Integrated Ombudsman Scheme, 2021.
- NPCI mandates customer consent for capturing customer location/ geographical details on Unified Payment Interface (UPI) Apps; UPI members required to comply by 01.12.2022.





PHARMACEUTICALS AND MEDICAL DEVICES

- New Drugs and Clinical Trials Rules amended to introduce deemed approval for conducting clinical trials.
- Health Ministry permits parallel submission of applications for grant or renewal of manufacturing and sales license (for large volume parenterals, vaccines and (r-DNA) derived drugs etc.) and application for approval for manufacturing new drugs.
- Medical prescription from registered medical practitioner mandated for e-commerce platforms selling Ayurvedic, Siddha and Unani drugs containing substances under Schedule E(1) of the Drugs and Cosmetics Rules, 1945.
- NPPA extends timeline for trade margin cap imposed on medical devices like pulse oximeter, nebulizer, glucometer etc. till 31.12.2022.
- Health Ministry simplifies registration procedure for Class A (Non-Sterile and/or non-measuring) Medical Devices under Medical Device Rules, 2017.
- Health Ministry notifies Medical Devices (Amendment) Rules, 2021; allows more time for medical device manufacturers to comply with requirement for 'Unique device identification'.
- Manufacturers of medical devices directed to apply for manufacturing license for devices through online portal; Quality certificates from other entities not replacement for license.

IT/ITES

- MEITY notifies directions for implementing stringent information security practices to strengthen cyber security: applicable to service providers, intermediaries, data centres, body corporates; effective 27.06.2022.
- Ministry of Commerce extends the Work From Home facility for IT / ITES units till 31.12.2022; IT / ITES units urged to gradually increase physical presence of employees in SEZ premises in Noida.





FOOD & BEVERAGE

- FSSAI directs FBOs to strictly comply w.r.t. declaration of Non-Veg or Veg logo irrespective of the percentage of any ingredient in the food under the provisions of the FSS (Packaging and Labelling) Regulations, 2011.
- Imported Hops pellets for use as ingredient to manufacture beer in India must conform to the copper limit (max. 1000 ppm) specified by European Food Safety Authority.
- Maximum amount of penalty levied on Food Business Operators owing to delay in filing Annual Return capped at five times the annual fees under the FSS (Licensing and Registration of Food Businesses) Regulations, 2011.
- All non-compliant labels on imported food consignment may be permitted to be rectified at the port; rectification will be carried out at customs bound warehouse

MEDIA AND COMMUNICATIONS

- Intermediary Guidelines and Digital Media Ethics Rules amended to make intermediaries accountable and respect rights guaranteed to users under the Constitution of India.
- MIB issues Guidelines for Platform Services offered by Multi System Operators (MSOs); mandates registration of all MSOs on the BroadcastSeva portal by 30.11.2023
- Centre notifies revised Guidelines for Uplinking and Downlinking of Satellite Television Channels in India.

TEXTILE

- Garments / hosiery products sold in loose or open form are exempted from compliances under Legal Metrology (Packaged Commodities) Rules subject to declaring manufacturer address, MRP, size, country of origin etc.





OTHER OPERATIONAL UPDATES

- SOP notified for online issuance/ alteration of Registration Certificate for Manufacturers / Importers/ Packers in West Bengal under the Legal Metrology (Packaged Commodities) Rules, 2011.
- SEZ Units may permit 50% of employees to work from home or any place outside the SEZ, subject to prescribed conditions.
- Ministry of Commerce issues standard operating procedure (SOP) for SEZ Units to obtain permission for permitting employees to work from home or any place outside the Special Economic Zones.
- Puducherry Govt. mandates registration and renewal of license for factories under the Factories Act through online mode only.
- Bihar Govt. amends Professional Tax Rules; prescribes new requirements w.r.t cancellation and amendment of registration and enrolment certificate; effective immediately.
- Govt. of West Bengal mandates online filing of application for new construction of buildings having classification as commercial, building with mixed occupancies, IT/ ITEs 01.09.2022.
- West Bengal Legal Metrology Department issues standard operating procedure for processing and disposing application online in LM-2, LD-2 and LR-2 under West Bengal Legal Metrology Rules 2011 through e-Parimap.
- Standard operating procedure notified for online issue of new licenses for manufacturer, dealership and repairer under West Bengal Legal Metrology (Enforcement) Rules, 2011.





An additional filing towards fulfilling Corporates' Social Responsibility

Companies which have a net worth of rupees 500 crore or more, or a turnover of rupees 1000 crore or more, or a net profit of rupees 5 crore or more, will be required to file the Report on Corporate Social Responsibility i.e. Form CSR-2 (web based) for the first time for FY 2020-2021 by 30.06.2022.

With this new filing requirement kicking in, companies will be required to report a host of information around their CSR activities such as CSR expenditure, details of ongoing projects, projects other than ongoing projects, number of meetings of CSR Committee held during the year, name of directors, no. of meetings of CSR Committee attended by them during the year etc. to the Registrar of Companies (RoC).

In this blog we have highlight the subtle points of commonality and differences between the Annexure and Form CSR-2.

[Click here](#) to read the blog

One-size does not fit all: The sad reality of the Indian Regulatory Regime

Imagine you have worked out the best recipe ever for homemade chocolate chip cookies. They taste heavenly – not just to you and your mom, but to everyone else you have shared them with – including some food bloggers and chefs. You do some rudimentary market research and find that if you can keep the price reasonable these cookies could sell like hot cakes! You beg, borrow and steal – mostly borrow –just about enough to start a factory to make a few thousand cookies every week. You think you are ready for business, when a lawyer friend asks you an innocuous question: “Hey, have you sorted out your compliance requirements?” And, with that the cookie crumbles!

[Click here](#) to read the blog

BRSR raises the bar for ESG disclosures in India




Business Responsibility and Sustainability Report is an initiative towards ensuring that investors have access to standardized disclosures on ESG parameters. Access to relevant and comparable information will enable investors to identify and assess sustainability-related risks and opportunities of companies and make better investment decisions.

[Click Here](#) to read the blog

With effect from the financial year 2022-2023, filing of BRSR will be mandatory for the Top 1000 listed companies (by market capitalization) and shall replace the existing BRR. Filing of BRSR is voluntary for the financial year 2021-22.

We also conducted a webinar on Business Responsibility and Sustainability Report – The future of Environmental, Social and Governance compliances in India.

Click to listen to our webinar 





Pan India ban on Single Use Plastic (SUP)

In sync with the Plastic Waste Management (Amendment) Rules, 2021 which mandates to stop the use, distribution, production and sale of single use plastic items and ensure zero inventory by 30.06.2022 and the Central Pollution Control Board's notice reiterating the same to all e-commerce companies, commercial establishments (including office complexes), producers, stockists, retailers, shopkeepers, street vendors and general public, the Pollution Control Boards / Committees of States and Union Territories have rolled out orders / notifications on the same, effective 01.07.2022.

[Click here](#) to read our blog

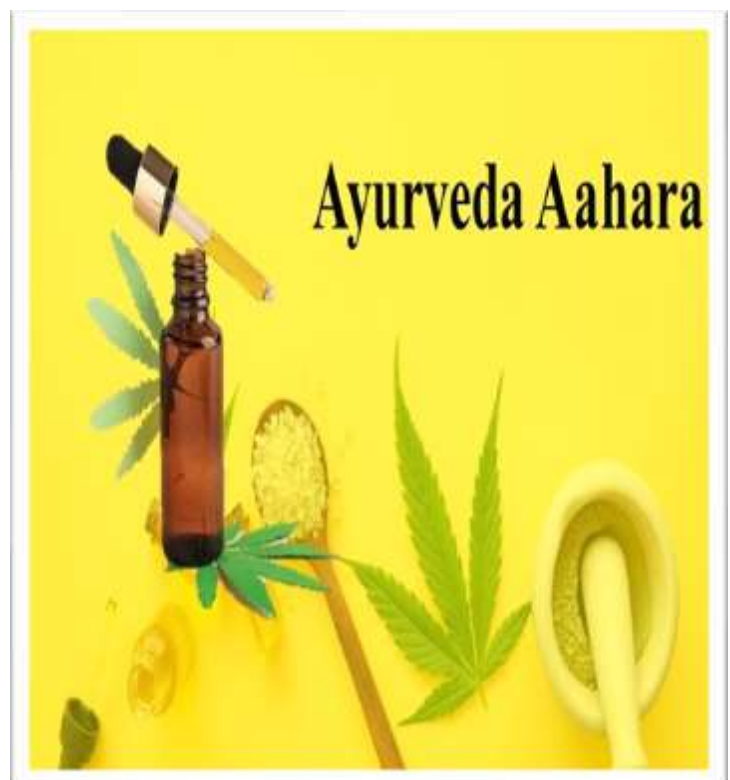
Ayurveda Aahara

The Food Safety and Standards Authority of India has rolled out a new set of compliances to be adhered to under the Food Safety and Standards (Ayurveda Aahara) Regulation, 2022.

Food Business Operators dealing in formulation and sale of Ayurveda Aahara need to comply with specific requirements mentioned under these regulations before selling the same.

In our blog, we have highlighted the key compliances which FBOs must comply with under these new regulations.

[Click here](#) to read the blog



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.



Key Compliance Obligations

Maintain confidentiality of HIV related information

Do not discriminate against *Protected Person

Communicate, disseminate and post the HIV and AIDS Policy for all employees

Do not deny employment or terminate (except under specified circumstances) from occupation or employment

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 3 months & 2 years) or **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;
- iii. Ordinarily lived, resided or cohabited with a person who was HIV- positive.

**** "Informed Consent" means consent given by any individual or his representative specific to a proposed intervention without any coercion, undue influence, fraud, mistake or misrepresentation and such consent obtained after informing such individual or his representative, as the case may be, such information, as specified in the guidelines, relating to risks and benefits of, and alternatives to, the proposed intervention in such language and in such manner as understood by that individual or his representative, as the case may be.**

Source: Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 | Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention And Control) Rules, 2018

International Day of Persons with Disabilities



The theme for 2022 is **"Transformative solutions for inclusive development: the role of innovation in fuelling an accessible and equitable world"**. This theme covers the three aspects of United Nation's Sustainable Development Goals (SDGs) of innovation for disability inclusive development :

- in employment (SDG8);
- in reducing inequality (SDG10);
- in sport as an exemplar case where all these aspects of innovation, employment and equity converge.



India's Legislative and Judicial Initiatives to Achieve this Goal

The Rights of Persons with Disabilities Act, 2016

Important provisions under the Act for **empowerment** of persons with disabilities:

- Employers Responsibility – Private establishments under the Act must -
 - Frame and publish an Equal Opportunities Policy containing details of the benefits and facilities provided to disabled persons at the workplace.
 - Establishments having more than 20 employees must appoint a Liaison Officer to oversee the recruitment of disabled persons and special facilities provided for them.
 - Protect against discrimination of disabled persons within the workplace.
 - Provide additional facilities/special benefits to disabled employees to increase their accessibility.
 - Maintain records of its disabled employees.
- Occupy buildings which fulfil the standards of accessibility relating to physical environment in accordance with new Harmonised Guidelines & Standards for Universal Accessibility in India 2021 notified on 18th October, 2022
- Educational institutions funded/recognised by Government must provide inclusive education to children with disabilities
- The Government must take steps to provide free healthcare locally for persons with disabilities

In the case of Deaf Employees Welfare Association v Union of India [2014 (3) SCC 173],

the Supreme Court prevented discrimination between a person with disability of 'blindness' and a person with disability of 'hearing impairment' by giving deaf and mute people transportation allowances on par with blind and orthopedically handicapped employees of the government.

In the case of Syed Bashir-ud-Din Qadri v. Nazir Ahmed Shah [2010 (3) SCC 603],

employment of a teacher suffering from cerebral palsy was upheld despite his inability of writing on the black board as his students achieved good results and his appearance and demeanour in school was highly appreciated.

NATIONAL POLLUTION CONTROL DAY, 2022

National Pollution Control Day is celebrated every year on 2nd of December in India in order to remember the thousands of human beings who had lost their existence because of the Bhopal gas calamity.

Environmental developments in the year 2022.

- Commission of Air Quality Management in National Capital Region directs all construction and demolition projects to ensure dust control measures and adequate no. of anti-smog guns.
- Environment Ministry notifies the E-Waste (Management) Rules, 2022. The Rules are applicable to every manufacturer, producer, refurbisher, dismantler and recycler involved in manufacture, sale, transfer, purchase, refurbishing, dismantling, recycling and processing of e-waste or electrical and electronic equipment listed out in the Schedule of the Rules, including their components, consumables, parts and spares which make the product operational.
- Central Pollution Control Board ("CPCB") issues Guidelines for Assessment of Environment Compensation to be levied for violation of the provisions under the Plastic Waste Management Rules.
- Government notifies New Battery Waste Management Rules to regulate Battery Waste;
- National Stock Exchange ("NSE") launches sector-specific integrated guides w.r.t. 38 sectors (including food, energy, health care, media etc.) to facilitate disclosures under the parameters of the BRSR format.
- States like Kerala, Andhra Pradesh, West Bengal, Delhi, Jharkhand, Haryana, Orissa bans single use plastic effective 1st July, 2022.
- CPCB sets up National Control Room to monitor enforcement of Single Use Plastic ("SUP") Ban.
- Ministry of Environment, Forest and Climate Change ("MoEFCC") introduces new Compliance module in the PARIVESH Portal; directs all the project proponents to submit the six-monthly compliance report through the portal.
- CPCB hosts website to monitor phasing out SUP; launches mobile application where public can file complaints against the use of SUP items.
- Paint Industry involved in manufacturing of ingredients such as resins, lacquers, varnishes etc. must seek prior Environmental Clearance as per EIA Notification, 2006.
- Goa PCB notifies guidelines for imposing Environmental Compensation Charges on Health Care Facilities and Common Biomedical Waste Treatment Facilities.
- Kerala Pollution Control Board issues guidelines for industries to implement Online Consent Effluent & Emission Monitoring System.
- Environment Ministry notifies Plastic Waste Management (Amendment) Rules, 2022; prescribes framework for implementation of Extended Producer Responsibility; effective immediately.
- Rajasthan Pollution Control Board notifies fresh procedure for processing applications for Consent to Establish / Consent to Operate, owing to delay in timely disposal of applications.
- Treatment of wastewater from multiple units in one Effluent Treatment Plant will no more be allowed by Rajasthan State PCB.
- Sikkim Govt. imposes ban on use, manufacture, import and sale of plastic water bottles of capacity 2 litres and below.
- MoEFCC issues Responsibilities of Thermal Power Plants.

How to observe National Pollution Control Day

- Plant Trees and Vegetation
- Recycle, Reuse, Reduce
- Say no to plastic

Importance of National Pollution Control Day

- To create a sustainable world
- To save the ones who are not responsible
- To remind the harmful impact of Pollution

5 Important Facts about Pollution

1. **Plastic pollution** -Eight million tons of plastic waste go into our oceans every year!



2. **Killings by polluted air**- In Africa, air pollution kills more people than poor sanitation or malnutrition.



3. **Zone of death**- Currently, there are around 500 dead zones in the world where no living organism can live.



4. **Marine deaths**- Every year, 100,000 marine mammals lose their lives because of plastic pollution.



5. **CO2 producer**- China tops the list when it comes to carbon dioxide production in the world -- the U.S. ranks second.



World Food Safety Day, 2022

In sync with WHO's theme this year "Safer food, better health", let us draw your attention to some Indian legislations which if well implemented goes a long way in preventing, detecting and managing foodborne risks and improving human health:



Safer food, better health

Did you Know?

- Over 200 diseases are caused by eating food contaminated with bacteria, viruses, parasites, or chemical substances such as heavy metals.
- Children under the age of 5 years are at a higher risk of malnutrition and mortality due to unsafe food and carry 40 percent of the foodborne disease burden.
- 189 members including India, has formulated the Codex Alimentarius which are international food standards, guidelines and codes of practice which contribute to the safety, quality and fairness of this international food trade.

- **Food Safety and Standards Act, 2006** regulates manufacture, storage, distribution, sale and import of food to ensure availability of safe and wholesome food for human consumption.
- **FSS (Food Products Standards and Food Additives) Regulation, 2011** prescribes the standards, limits and lists of various types and categories of food additives permitted to be used in different types of foods.
- **FSS (Safe Food and Balanced Diets for Children in School) Regulations, 2020** ensures safe food is provided to children in schools to protect them from obesity and other health issues.
- **FSS (Contaminants, Toxin and Residues) Regulation, 2011** regulates the content of contaminants and toxins in articles of food and prescribes restrictions on use of insecticides.
- **FSS (Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food) Regulations, 2016** regulates the manufacturing, use and claims made with respect to Health Supplements, Nutraceuticals, Food for Special Dietary Use and Food for Special Medical Purpose.
- **FSS (Fortification of Food) Regulation, 2018** regulates the content of essential micronutrients in a food and its promotion in order to improve the nutritional quality of food and to provide public health benefit with minimal risk to health.
- **FSS (Foods for Infant Nutrition) Regulations, 2020** regulates the content and labelling of food for infant nutrition or for special medical purpose intended for infants.
- **FSS (Ayurveda Aahara) Regulations, 2022** regulates the manufacture, selling, content and packaging of foods prepared in accordance with the recipes or ingredients or processes as per method described in the authoritative books of Ayurveda.

To stay updated on food related statutory changes and other regulatory updates contact us inquiries@lexplosion.in

Employer obligations to protect human rights under Indian Law



Equal Remuneration Act

- No gender discrimination during recruitment & promotion.
- Equal pay for equal work.



Prevention of Sexual Harassment of Women at Workplace Act

- Provide a safe & healthy free work environment.
- Prepare policy for prohibition of sexual harassment.
- Sensitize employees on the penal consequences of sexual harassment.
- Setup Internal Committee for redressing grievances.



Rights of Persons with Disabilities Act

- Provide equal rights & benefits.
- Display Equal Opportunity policy.
- Occupy buildings which fulfill the standards of accessibility.
- Maintain records & information of persons with disabilities.



Today is **Human Rights Day**
2021 Theme: **EQUALITY - Reducing Inequalities, Advancing Human Rights**



HIV & AIDS Act

- Ensure non-discrimination against HIV +ve employees.
- Obtain informed consent prior to conducting HIV test on any person.
- Maintain confidentiality of HIV related information.
- Appoint a Complaints Officer.



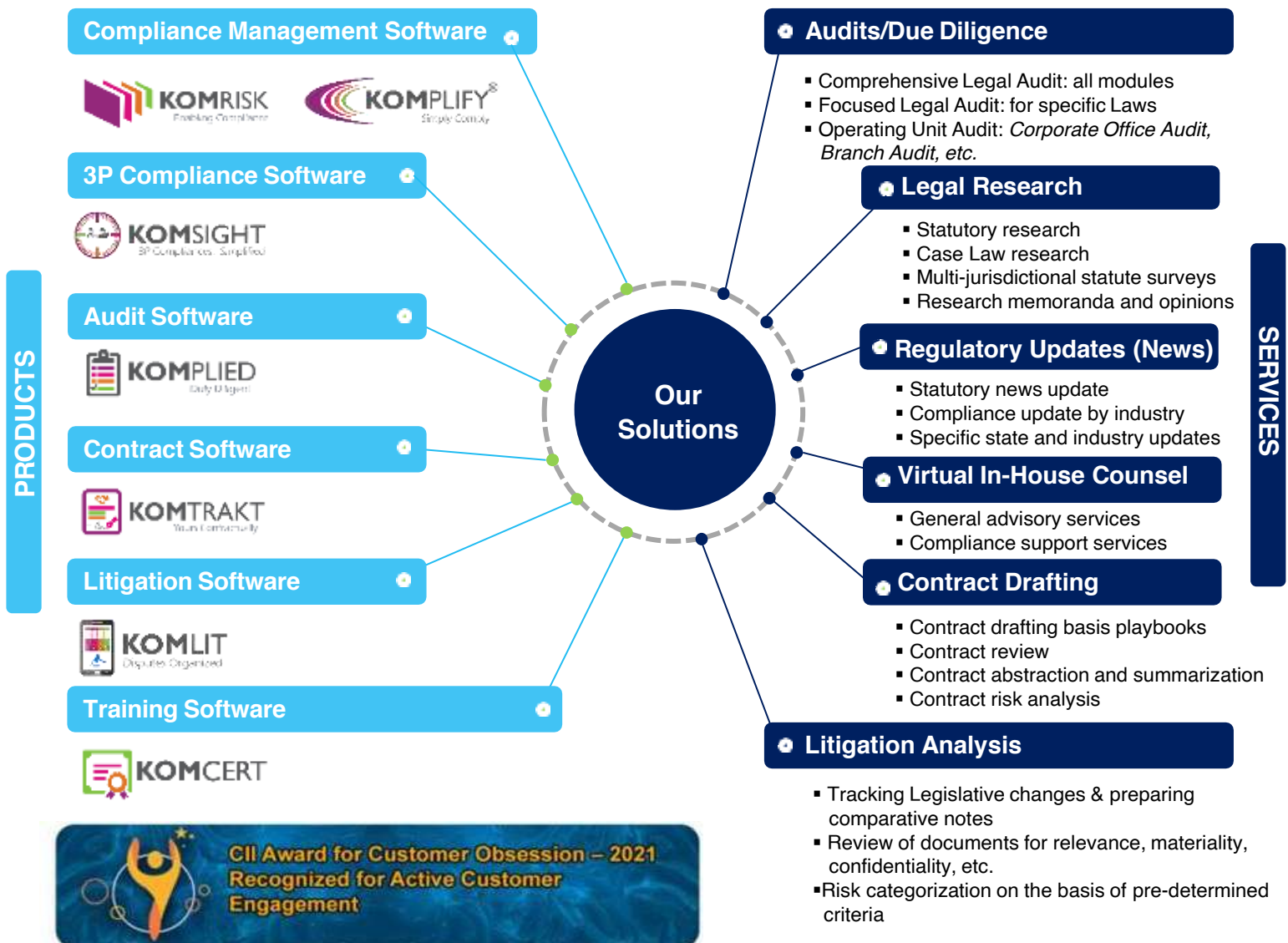
Protection of Transgender Persons Act

- Ensure non-discrimination against transgender persons.
- Provide facilities for transgender persons.
- Display Equal Opportunity Policy.
- Appoint a Complaints Officer.

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 29 countries and 25 industries.

Our Products & Service offerings





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Indrajyoti Bose

CS, CO & CFO, Apotex

Lexplosion as a business partner / stakeholder has contributed significantly for the last couple of years. Their incessant enthusiasm together with the professional acumen acts as a guiding force for our business and helps to remain compliant round the clock. They are equipped with world class software and excellent knowledge bank which not only helps to serve complex problem with simpler solution but acts as a superb soaking pad for all of our functional queries relating to compliances. We wish the Lexplosion team a glorious future.

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Sanjay Sharma

DGM Legal, VVF Ltd.

Guys you are doing a really good job! Komrisk is a simplified compliance management tool for Corporates in India, to manage their compliance requirements. Your daily regulatory updates are really helpful for Managers. Further, would also like to mention that your service/support is quick, and the project managers are also responsive.

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Sunita Pareek

AGC Legal, Subex Ltd.

Komrisk has provided us with a platform to ensure that compliances are handled professionally, and we stay compliant. Deployment of Komrisk has provided us a clear overview of the complex compliances in the IT industry. Moreover, periodic updates to the compliance database also helps us stay compliant on applicable compliances as well

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Shobha Basappa

CS, Columbia Communities

Stay Informed, Stay Compliant - Serving up to date information, alerts, and reports on regulatory compliance such as Companies Act, RERA, FSSAI, GST has increased the Compliance Achievements of Legal team and operational resources.. Experienced the handiest single platform solution in managing entire Organizational Compliance without a miss. We appreciate support by experienced Legal and Technical team at Lexplosion. It has been a very professional journey with Lexplosion.

”



Dheeraj Kumar is a regular user of Komlit, he mitigated legal risks by implementing Komlit in Orient Electric (CK Birla Enterprise).

[Click Here](#) to see what he has to say on Komlit.

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