



Minu Dwivedi

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Practice Areas

Corporate

Sectors

White Collar Crimes and Compliance

Services

Manufacturing

Agriculture & Forestry

Life Sciences, Healthcare and Pharma

Hospitality, Tourism & Retail

Education

Non-Governmental Sector

Insurance & Pension

About

Minu’s practice spans a wide spectrum of Corporate Commercial laws which includes advising & assisting clients on matters and issues relating to Labour, Employment, Education, Foreign Direct Investment, Environment, Biodiversity, Food, Retail, Manufacturing, Legal Metrology and conducting FCPA, Anti-Corruption, Bribery, Disciplinary, Workplace Investigations, POSH Conciliations / Inquiries and Ethics and HR Audits.

She is actively engaged in, amongst others, drafting opinions, contracts, agreements, restructuring plans, workplace policies, voluntary retirement/separation schemes, employee benefit/retention schemes, trust deeds and rules, employee manuals, devising entry, risk mitigation, litigation, exit strategies, conducting due diligences, legal audits, prevention of sexual harassment trainings, feasibility analysis, participating in negotiations, workplace investigations and representing clients before various labour courts.

Minu has advised domestic and international non-profit organisations on varied issues covering structures of non-profit organisations, setting up of trusts, societies & not for profit companies, obtaining tax exemptions, licenses and seeking government approval for receipt of foreign contributions, collaboration between an Indian trust and a foreign university, winding up of trusts and conduct, supervision and financing of philanthropic projects in India by an overseas non-profit organisation.

Minu has extensive experience in Employment related advisory work and regularly assists clients on matters involving:

- Onboarding:
 - pre-employment screening including background verification and medical screening
 - staffing and recruitment including engagement of foreign nationals, consultants, temporary and agency workers and contract labour
- Compensation and benefits:
 - structuring of remuneration including bonuses, employee health insurance requirements, social security compliances for domestic employees and international workers, operation of PF trusts, compensation for injury/ occupational disease
 - funding of retirement benefit, employee retention plans and schemes
 - VRS and severance payments
- Workplace policies and compliances:
 - workplace policies on Maternity/ Paternity /Disability/ Grievance Redressal/ Disciplinary/ Employee Privacy
 - POSH policy, training, proceedings/ investigations and reporting
 - working conditions, occupational health and safety measures, creation and management of crèche facilities
 - labour law licenses, registrations and filings
 - standing orders
- Industrial relations:
 - industrial relation management, employer - employee representation, consultation and collective bargaining with trade union
 - restructuring/ downsizing/ lay-offs / transfer of workforce or closure of workplace
- Employer-employee disputes:
 - misconduct, suspension, domestic enquiry and disciplinary action
 - settlement of employee disputes, grievances, discrimination, unfair dismissal claims
- White collar crimes and investigations:
 - investigation into White Collar Crimes by employees
 - whistle-blower protection

- vicarious liability of management and disclosure obligations

Her work in the Education sector includes advising on matters relating to collaboration with foreign universities, establishment of global schools with international affiliation, grant of deemed to be university status, conduct of non-core educational activities, outsourcing of educational infrastructure, restructuring/merger of educational societies and trusts, fee-fixation, reservation of seats and creation of corporate quota in engineering colleges.

Minu's Food laws related experience includes assisting clients in obtaining food licenses under the Food Safety and Standards Act, 2006 and advising on food retail business in India, contract farming arrangements, mandatory packaging/labelling requirements and prescribed standards for imported food, production and quality control of vegetarian food products in India and on-board sale of food and beverages to flight passengers.

Previously, as part of the Infrastructure Litigation team, Minu had been involved in several high value and precedent setting Litigations affecting private DISCOMs (Distribution Companies) in Delhi, worked on diverse regulatory issues pertaining to the Power sector including tariff appeals on behalf of clients and represented clients at different judicial and quasi-judicial forums.

Experience

Some indicative assignments in the aforementioned areas handled and being handled by Minu are as follows:

- Zero Mass Water: advising on India entry, collaboration with Bird Group for production and distribution of drinking water, regulatory licenses & certifications for bottling & selling water and related issues.
- Girls Who Code Inc.: advising on setting up of a Section 8 company, obtaining tax registrations and exemptions, FCRA permission/registration, funding including through CSR funds and related issues.
- Advising Independent Directors of an independent professional investment information and credit rating agency on governance issues pursuant to investigation initiated by Serious Fraud Investigation Office (SFIO), whistle blower complaints to Securities and Exchange Board of India (SEBI).
- NuTek Food Science LLC: advised on regulatory requirements for import and sale of salt substitute including product labelling and certifications.
- Sistema Shyam Teleservices Limited (SSTL) its majority shareholder Sistema JSFC: advised and assisted on all aspects of employee transfers from SSTL to Reliance Communications Limited (RCOM) and related issues in connection with the demerger of SSTL's telecom wireless business operated under MTS brand to RCOM.
- Tata Consultancy Services Ltd. (TCS), Temasek Holdings Advisors India Private Limited, National Association of Software and Services Companies (NASSCOM), NIVEA India Pvt. Ltd., TATA SIA Airlines Limited (Air Vistara), Guardian India Operations Private Limited, BSES Rajdhani Power Limited (BRPL), AirSeva India Private Limited, Experian Credit Information Company of India Limited, SSP India Private Limited, Humboldt Wedag India Private Limited and Value Showcase Global Sourcing India Private Limited, Simon & Schuster Publishers India Private Limited, Check Point Software Technologies (India) Private Limited, Korn Ferry International Private Limited, Guardian India Operations Private Limited, Industrial Bank of Korea, Chanel India Business Solutions Private Limited, AirSeva India Private Limited, FIL India Business Services Private Limited, INVISTA Sales & Service India Private Limited and

Sistema Shyam Teleservices Limited: advised and assisted on POSH Policies and related compliances including conduct of POSH Trainings for employees and POSH Committee members and representation in LCC proceedings.

- Sistema Smart Technologies Limited, INSITEL Services Private Limited, SACAP India Private Limited, Sistema Internet Limited, Glenmark Pharmaceuticals Limited, Giesecke & Devrient India Pvt. Ltd., Midland Credit Management India Private Limited, Amazon Development Centre (India) Private Limited, Burndy Technology and Global Business Services Private Limited, Industrial Bank of Korea, Dr. Lal Pathlabs Limited, Yum Restaurants: advised on Provident Fund compliance and salary structuring.
- A Japanese global med-tech company which is a leading manufacturer of optical products: conducting an independent anti-bribery and corruption investigation of the operations of its India subsidiary.
- An Indian subsidiary of a Japanese trading and chemicals manufacturer: review of an employee's employment status and advised on (i) the employee's statutory and contractual rights against the client; (ii) the company's obligations towards the employee; (iii) the recommended process to be followed for the employee's exit in the prevailing facts and circumstances and to safeguard against the matter becoming contentious; (iv) the legal requirements that the company needed to satisfy for the employee's exit from the company; and (v) the level of the package generally to be accepted in the local employment practices.
- The Indian Subsidiary of a Japanese auto component manufacturing company: advised on the various ongoing industrial disputes initiated by the workmen against the Indian subsidiary including advice on proposed litigation strategy to protect the interest of the Indian subsidiary and bring a closure to all the pending court cases.
- A Japanese E-commerce Company: review of an employee's current employment status with the Indian subsidiary of the client pursuant to transfer of his employment from Japan to India and advised the client on
 - the employee's statutory and contractual rights against the client and its Indian subsidiary;
 - the obligations of the client and its Indian subsidiary towards the employee; and
 - the recommended process to be followed for termination of the employee's employment with the Indian subsidiary of the client amicably in the prevailing facts and circumstances and to safeguard against the matter becoming contentious.
- A Singapore based law firm: advised on the criminal charges, penal consequences, possible exposure to the Indian subsidiary and its officers, statutory reporting obligations and related issues concerning certain illegal transactions undertaken and corrupt practices adopted by the Chief Financial Officer (CFO) and Administration & Finance Department Head of an Indian subsidiary of a Japanese company engaged in manufacture of electronic devices.
- A UK Software Company: conducted an independent anti-bribery and corruption investigation of an Indian subsidiary of a UK company engaged in providing software and services to the insurance sector including an extensive audit of all the IT procurements undertaken in India during a specified period, IT vendors, suspension and subsequent termination of employees and contractual relationships.
- A Private Distribution Utility: advised in framing and implementing Policies on Practices for Good Corporate Governance which included anti-corruption practices, open door policy, whistleblower protection, money laundering and conflict of interest related issues.

- A Multinational Company: conducted an Ethics Audit as part of a legal due diligence exercise to rule out unlawful, improper or unethical activities and corruption practices.
- A Multinational Company: undertook an on-site Disciplinary Investigation into the allegations of various HR, administrative, managerial and inter-personal issues being faced by the employees of the Indian Subsidiary providing information technology enabled services by conducting interviews, provided a summary of findings and recommendations and undertook all the documentation related to the employee departures.
- A Multinational Service & Hospitality Company: conducted an HR Investigation into consumption of drugs and alcohol at the workplace and alleged violation of the ‘Alcohol and Drug-free Workplace Policy’ of the Indian Subsidiary and provided a preliminary investigation report.
- Sri Sivasubramaniya Nadar College of Engineering, Chennai: advised on fixation of fee, reservation of management seats / creation of a corporate quota and conferment of deemed to be university status by the University Grants Commission.
- Royal Institution of Chartered Surveyors, an international not-for-profit professional membership body of chartered surveyors: advised on the possibility of a tie up with Lingaya University (a deemed to be university) and Amity University (a private university), the Indian education laws applicable to foreign education service providers and related issues and the structure to be adopted for RICS’s proposed short term and long term academic program for India.
- GEMS International School set up by the GEMS Education Society, a not-for-profit society: advised on in respect of the Indian laws governing school owned and transporter buses used for transportation of students of the educational institutions.
- Dr. K. N. Modi Foundation: advised on permissibility of engagement of educational service providers / special purpose vehicle for conduct of non-core educational activities, legality of outsourcing educational infrastructure outside standard curriculum hours, restructuring / merger of the societies and trusts and the impact of taxation thereon.
- Stevens Institute of Technology, a technological university located in Hoboken, New Jersey, USA: undertook a feasibility analysis on proposed collaboration with a public charitable trust for the establishment of a de novo technical institution in India and advised on issues concerning approval and recognition at the State level, registration with Professional Council, University affiliation and accreditation.
- Ross University, a for-profit university owned by DeVry, Inc.: advised on statutory and regulatory requirements under the Indian laws for a foreign educated Indian doctor to enroll as medical practitioner in India viz., with regard to obtaining eligibility certificate, qualifying screening test and obtaining registration with Medical Council of India / State Medical Council of India.
- Air India SATS Airport Services Private Limited: advised on approvals required for setting up a training academy for offering certificate courses on ground and cargo handling services at Airports.
- Infinity Infotech Parks Ltd.: advised on licenses and approvals required for setting up a private unaided non-minority world school to provide pre-primary, primary, secondary and higher secondary education in India in the States of Maharashtra and Karnataka in collaboration with a leading international school and the legal framework regulating programs for Advanced Industrial Skills.

- Sistema Shyam TeleServices Limited operating under the MTS brand in India: advised and assisted on legal strategy for workforce reduction and closure of offices in 18 telecom circles, classification of workforce, severance payments required to be made and the documentation required therefor.
- Reviewed prevailing industrial relations at the Guwahati (Assam) factory of a private manufacturing company, drafted a Voluntary Retirement Scheme after undertaking a benchmarking study of ex-gratia benefits provided by other private Indian manufacturing companies and advised on the introduction and implementation of a voluntary retirement scheme.
- Fluor Daniel India Pvt. Ltd.: advised on complicated provident fund issues relating to deposit of expatriate employee contributions with private provident fund, participation in private provident fund, withdrawal of provident fund from private fund and related issues.
- TRS Staffing Solutions, Inc., a temporary staffing company: advised on the various labour, employment and social security laws of India applicable to their staffing/recruitment plan in India.
- Gas Natural Fenosa: advised on the various types of dismissals under the Indian Employment laws, methodology for calculation of severance payments for each type of dismissal, limits for individual dismissal, considerations for mass dismissal and related issues.
- Broken Hill Proprietary (USA) Inc.: advised on the visa regime in India, issuance of employment visas to foreign nationals coming to India for execution of projects/contracts, liability, if any attached to issuance of invitation letter by Indian company, security clearance, immigration formalities and other Indian tax and labour / employment law compliance requirements for expatriates contracted to undertake offshore exploration activities outside Indian territorial waters but within the exclusive economic zone of India.
- Advised and assisted a multinational software development company, a leading provider of women's health and other consumer and point-of-care health products and a global professional services firm in addressing cases involving sexual harassment of junior female employees at workplace by senior level employees and intra-office consensual relationships, including participation in proceedings held before complaints committee constituted for redressal of complaints against sexual harassment.
- The Boeing Company: advised on various labour / employment issues ranging from corrective action plan against delinquent employees, introduction of a performance improvement plan, fitness for duty evaluation, statutory provisions on withdrawal of provident/pension fund accumulations by international workers, benefits available to an 'Overseas Citizen of India' and assisted from an HR due diligence perspective in the matter of acquisition Narus Networks Private Limited, a software development company in India including preparation / finalization of employee transfer / retention agreements.
- Department for International Development (DFID): advised on various labour / employment issues including procedure for conducting disciplinary enquiry for misconduct at workplace, payment of subsistence allowance during pendency of enquiry proceedings, undertaking of business activities and pursuing of employment opportunities by spouses of expatriate employees, re-employment of VRS optees, principal employer's obligations towards contract labour.
- Chennai Liaison Office of IKEA Trading (Hong Kong) Ltd.: advised and assisted in office closure including drafting of documentation for transfer of executive employees, declaring redundancy of non-executive employees and bi-partite settlements.

- Hewitt Associates LLC: advised on social security and tax compliances for international workers coming to India on secondment under an employment visa.
- INVISTA Sales & Service India Pvt. Ltd.: advised and assisted on various statutory and regulatory compliances and procedural requirements under the applicable labour / employment and metrology related laws.
- Bunge India Pvt. Ltd.: advised on prescribed melting point of Hydrogenated Vegetable Oil or ‘Vanaspati’ and Bakery or Industrial Margarine and on manufacture and sale of mustard oil obtained other than by solvent extraction process.

Memberships

Bar Council of Delhi

Publications

Will private employers have flexibility to take employment decisions during lockdown? - Published in ET HR World on May 15, 2020

Decoding the Code on Wages 2019: Why the move to protect workers can backfire - Published in CNBC TV18 on August 20, 2019

Education

B.A. (Philosophy Honours), Delhi University (2002)

LL.B. Campus Law Centre, Delhi University (2005)

Languages Spoken

English

Hindi
