



# THE LABOURTORIALS<sup>®</sup>

P. K. AGARWAL &  
ASSOCIATES

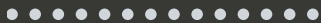
Monthly updates on Industrial and Labour Laws

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India will celebrate January 16 as "NATIONAL START UP DAY". Time to pitch the Sharks!

## NATIONAL STARTUP DAY



Prime Minister Narendra Modi announced that the country will celebrate **January 16** as National Startup Day, as he termed startups the "backbone" of new India and the engine that will power the nation's economic growth in the run up to 100th year of Independence.

### KEY HIGHLIGHTS

#### LATEST FROM THE SUPREME COURT OF INDIA

- The SC of India has extended the period of limitation.

#### LATEST FROM THE HIGH COURTS

- The Punjab and Haryana HC has stayed the Haryana State Employment of Local Candidates Act 2020.
- "The policy of insurance under the Employees Compensation Act is intended to cover unintentional accidents and not intentional acts which are homicidal in nature. Murder cannot be termed accidental"- held the HC of Jharkhand.

#### LATEST FROM THE CENTRAL GOVERNMENT

- ESIC notifies relaxation in eligibility condition of 2 years insurable employment before unemployment and contributory condition of ABVKY.

#### LATEST FROM THE STATE GOVERNMENTS

- Revised rates of Minimum wages.
- Circular regarding submission of Annual Report under POSH Act, 2013- Govt. of Haryana.

# LATEST FROM THE SUPREME COURT OF INDIA

## The Supreme Court of India has extended the period of limitation.

It is directed that the period from **15.03.2020 till 28.02.2022 shall stand excluded for the purposes of limitation as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings.**

Consequently, the balance period of limitation remaining as on 03.10.2021, if any, shall become available with effect from 01.03.2022.

In cases where the limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual balance period of limitation remaining, all persons shall have a limitation period of 90 days from 01.03.2022. In the event, the actual balance period of limitation remaining, with effect from 01.03.2022 is greater than 90 days, that longer period shall apply.

It is further clarified that the period from 15.03.2020 till 28.02.2022 shall also stand excluded in computing the



The Hon'ble Supreme Court of India

periods prescribed under Sections 23 (4) and 29A of the Arbitration and Conciliation Act, 1996, Section 12A of the Commercial Courts Act, 2015 and provisos (b) and (c) of Section 138 of the Negotiable Instruments Act, 1881 and any other laws, which prescribe period(s) of limitation for instituting proceedings, outer limits (within which the court or tribunal can condone delay) and termination of proceedings.

**[Click here](#)** to read the Order.

# LATEST FROM THE HIGH COURTS

## The Punjab and Haryana High Court has stayed the Haryana State Employment of Local Candidates Act 2020.

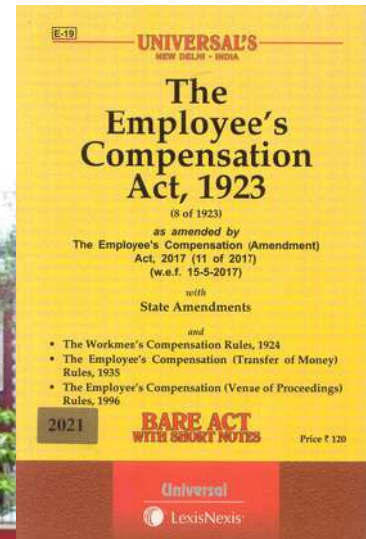
The Punjab and Haryana High Court has granted an **interim stay on the Haryana government's law providing for 75% reservation for state domicile in the private sector.**

The petition has been filed by FIA, a premier industries association of North India, formed in 1952 by a group of enterprising industrialists. It challenges the Act for being unconstitutional and violating Articles 14, 15, and 19 of the Constitution of India.

The Haryana State Employment of Local Candidates Act 2020, which was notified on November 6, 2021, seeks to provide 75 percent of reservation for local candidates in private sector jobs that offer a salary of less than Rs 30,000 a month. The Act is scheduled to come into effect on January 15, 2022.

**[Click here](#)** to read the Order.

**"The policy of insurance under the Employees Compensation Act is intended to cover unintentional accidents and not intentional acts which are homicidal in nature. Murder cannot be termed accidental"- held the High Court of Jharkhand.**



The Court while deciding the case of Murder of the Security Guard on duty and his eligibility under Employees Compensation Act held that “Accidental death during course of employment is the sine qua non for award of compensation under Section 3 of the Employees Compensation Act, 1923. The expression “arising out of and in the course of employment” postulates a causal link between death and employment. There should be some causal relationship between the employment and the resulting accident of the employee in the course of employment. Causal relationship pre-supposes that nature of employment was the proximate cause of accident. There should be

some link howsoever tenuous it may be, between the nature of employment and the accident which can be associated with the hazard of the work being carried out by the employee. For example, explosion can be an occupational hazard in persons dealing with petroleum product, but that can not be in case of one working as a computer programmer. Similarly, while murder of a security guard can very well be said to have been in the course of employment, the same cannot be said of a driver in a private or public vehicle. In the present case it is undisputed that the driver was the father and the owner of the truck was his son. He was abducted along with the truck and

murdered. Murder cannot be termed accidental. The policy of insurance under the Employees Compensation Act is intended to cover unintentional accidents and not intentional acts which are homicidal in nature. To accept a proposition that any death which occurs during course of employment can be termed to have a causal relationship to the nature of employment will be against the object and purport of the Act.

**[Click here](#)** to read the judgment.

# LATEST FROM THE CENTRAL GOVERNMENT

## ESIC notifies relaxation in eligibility condition of 2 years insurable employment before unemployment and contributory condition of ABVKY.


The Employees State Insurance Corporation vide its notification dated 12th January 2022 has **decided to relax the eligibility condition of 2 years insurable employment before unemployment and contributory condition of Atal Beemit Vyakti Kalyan Yojana (ABVKY) with effect from 01.07.2021** as under:-

period of 12 months immediately before his/her unemployment and should have contributed for not less than 78 days in the one completed contribution period in 12 months immediately preceding to unemployment."

[Click here](#) to read the notification

"The Insured Person should have been in insurable employment for a minimum

**For Your Information!**



श्रम एवं रोजगार मंत्रालय  
Ministry of Labour & Employment  
भारत सरकार (Government of India)

ESIC

Standing with you  
in difficult times

**CONFINEMENT EXPENSES**

An Insured Woman and an Insured Person in respect of his wife shall be paid Medical Bonus on account of Confinement Expenses, provided Confinement occurs at a place where necessary medical facilities under ESIC are not available.

Amount of Medical Bonus under Confinement Expense has been increased from ₹ 5000 to ₹ 7500

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# LATEST FROM THE STATE GOVERNMENTS

## REVISED MINIMUM WAGES

S. NO.	STATE	W.E.F.	CLICK HERE TO VIEW NOTIFICATION
1.	Andaman & Nicobar Islands	01.01.2022	<a href="#">Government Notification</a>
2.	Kerela	November 2021	<a href="#">Government Notification</a>
3.	West Bengal	01.01.2022	<a href="#">Government Notification</a>

**Circular regarding submission of Annual Report under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013- Govt. of Haryana.**

As per the decision of the District Officer, SHWW Act, 2013, Gurugram every Govt. and Non- Govt. organization has been directed to submit their annual report as per calendar year about cases of harassment in the workplace, in compliance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 by **April 30th of every year.**

It is also intimated that a **penalty of Rs. 50,000/- on every employer** will be levied, who fail to submit the annual report timely. In case of non-compliance, strict action shall be initiated against the organization as per SHWW Act, 2013.

**All organizations were directed to submit the annual reports through Google Form (link shared via email).**

[Click here](#) to read the circular.

**Amended notification of the Bihar Professional Tax (Amendment) Rules, 2021.**

[Click here](#) to read the notification.



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# Work experience doesn't make a great employee. Their work ethic does.



P.K. AGARWAL AND ASSOCIATES

P.K. Agarwal & Associates deals in :

- Compliance under all labour related statutes;
- Drafting and vetting of appointment Letters, agreements, standing orders, notices, and such other documents required by the establishment in lieu of employer-employee relationship;
- Handling of court cases under all the labour statutes before Labour Inspectors, Officers, Commissioners, Tribunals, District Courts as well as High Court and Supreme Court; and
- Providing time to time consultancy on all labor-related matters.

