

LL.B. IV Term

Paper – LB – 403 - Labour Law

General Readings:

1. *Report of the National Commission on Labour (1969)*
2. *Report of the Second National Commission on Labour (2002)*

Prescribed Legislations:

1. The Trade Unions Act, 1926
2. The Industrial Disputes Act, 1947
3. The Industrial Employment (Standing Orders) Act, 1946
4. The Essential Services Maintenance Act, 1981

Prescribed Books:

1. G.B. Pai, *Labour Law in India* (2001)
2. P.L. Malik, K.D. Srivastava's *Law Relating to Trade Unions and Unfair Labour Practices in India* (4th ed., 2002, with Supplement 2003)
3. S.C. Srivastava (Rev.) *Labour Law and Labour Relations : Cases and Materials* (Indian Law Institute, 2007)
4. E. M. Rao, *O.P. Malhotra's The Law of Industrial Disputes* (6th ed., 2004)
5. K.D. Srivastava, *Industrial Employment (Standing Orders) Act, 1946* (4th ed., 1998 with Supplement 2003)

Topic 1: Trade Union – Definition, Registration and Recognition

Definitions of 'trade union', 'workman' and 'trade dispute' - The Trade Unions Act, 1926, sections 2(g) and (h), 3-13, 15, 22

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| 1. <i>Rangaswami v. Registrar of Trade Unions</i> , AIR 1962 Mad. 231 | 1 |
| 2. <i>The Tamil Nad Non-Gazetted Government Officers' Union, Madras v. The Registrar of Trade Unions</i> , AIR 1962 Mad. 234 | 6 |
| 3. <i>In Re Inland Steam Navigation Worker's Union</i> , AIR 1936 Cal 59 | 13 |

Topic 2: Immunities – Criminal and Civil

The Trade Unions Act, 1926, sections 17 and 18; The Indian Penal Code, sections 120-A, 120-B

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| 4. <i>R.S. Ruikar v. Emperor</i> , AIR 1935 Nag. 149 | 17 |
| 5. <i>Rohtas Industries Staff Union v. State of Bihar</i> , AIR 1963 Pat. 170
(Also see <i>Rohtas Industries v. Its Union</i> , AIR 1976 S.C. 425) | 20 |

PART – B : INDUSTRIAL DISPUTES
Topic 3: ‘Industry’ – Conceptual Analysis

The Industrial Disputes Act, 1947, section 2(j)

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| 6. <i>Bangalore Water Supply and Sewerage Board v. A. Rajappa</i> , | 28 |
| AIR 1978 SC 548 | |
| 7. <i>State of U.P. v. Jai Bir Singh</i> (2005) 5 SCC 1 | 72 |

Topic 4: ‘Industrial Dispute’ v. ‘Individual Dispute’ - Contrast

The Industrial Disputes Act, 1947, sections 2(k), 2A

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| 8. <i>Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate</i> , | 87 |
| AIR 1958 SC 353 | |
| 9. <i>Municipal Corporation of Delhi v. Female Workers (Muster Roll)</i> | 95 |
| AIR 2000 SC 1274 : (2000) 3 SCC 224 | |
| 10. <i>J.H. Jadhav v. Forbes Gokak Ltd.</i> (2005) 3 SCC 202 | 100 |

Topic 5: Concept of ‘Workman’

Distinction between contract *for* services and contract *of* service: Due control and super-vision test; Predominant nature of duty test, The Industrial Disputes Act, 1947, section 2(s)

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| 11. <i>Dharangadhra Chemical Works Ltd. v. State of Saurashtra</i> , | 103 |
| AIR 1957 SC 264 | |
| 12. <i>A. Sundarambal v. Government of Goa, Daman & Diu</i> , | 109 |
| AIR 1988 SC 1700 | |
| 13. <i>H.R. Adyanthaya v. Sandoz (India) Ltd.</i> (1994) 5 SCC 737 | 113 |

Topic 6: ‘Strike & Lock out’

Concepts, legality and justification – The Industrial Disputes Act, 1947, sections 2(q), 2(l), 2(n), 10(3), 10A(3A), 22-28; The Industrial Employment (Standing Orders) Act, 1946; The Essential Services Maintenance Act, 1981

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| 14. <i>Management of Chandramalai Estate v. Its Workmen</i> , | 126 |
| AIR 1960 SC 902 | |
| 15. <i>Syndicate Bank v. K. Umesh Nayak</i> (1994) 5 SCC 572 | 130 |
| 16. <i>Essorpe Mills Ltd. v. P.O.; Labour Court</i> (2008) 7 SCC 594 | 144 |

Topic 07: ‘Lay off’ ‘Retrenchment’ & ‘Closure’

Analysis of the Concepts, Pre-requisites, The Industrial Disputes Act, 1947, sections 2(cc), 2(kkk), 2(oo), Chapters VA, VB; The Industrial Employment (Standing Orders) Act, 1946

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| 17. <i>Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, Labour Court</i> (1990) 3 SCC 682 | 149 |
| 18. <i>The Workmen of Fire Stone Tyre & Rubber Co. Pvt. Ltd. v. Fire Stone Tyre & Rubber Co. Pvt. Ltd.</i> (1976) 3 SCC 819 : AIR 1976 SC 1775 | 165 |
| 19. <i>U.P. State Brassware Corporation Ltd. v. Uday Narain Pandey</i> (2006) 1 SCC 479 | 170 |

Topic 08: ‘Lay off’ ‘Retrenchment’ & ‘Closure’

IMPORTANT NOTE

1. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.

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Labour Law

Cases Selected and Edited by

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