

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. Kamala Sankaran, *Freedom of Association in India and International Labour Standards* (2009)
2. G.B. Pai, *Labour Law in India* (2001)
3. P.L. Malik, K.D. Srivastava's *Law Relating to Trade Unions and Unfair Labour Practices in India* (4th ed., 2002, with *Supplement* 2003)
4. S.C. Srivastava (Rev.) *Labour Law and Labour Relations: Cases and Materials* (Indian Law Institute, 2007)
5. E. M. Rao, *O.P. Malhotra's The Law of Industrial Disputes* (6th ed., 2004)
6. K.D. Srivastava, *Industrial Employment (Standing Orders) Act, 1946* (4th ed., 1998 with *Supplement* 2003)

PART – A: TRADE UNIONS

Topic 1: Introduction to Labour Law

History and Development of Labour Law, Importance and its Sociological Understanding, Philosophical Issues, Marxism and Labour Law

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| 1. Kahn Freund's Labour and Law (Hamlyn Lecture Series) | 1 |
| Introduction: Some Reflections on Law and Power, pp. 14-20 (1983). | |
| 2. Marxism and Labour Law (Edited version based on Hugh Collins, Marxism and Law, Clarendon Press, Oxford, 1982). | 4 |

Additional Reading: Debi S. Saini, "Labour Legislation and Social Justice: Rhetoric and Reality."

Topic 2: 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

3. <i>Rangaswami v. Registrar of Trade Unions</i> , AIR 1962 Mad. 231	7
4. <i>The Tamil Nadu Non-Gazetted Government Officers' Union, Madras v. The Registrar of Trade Unions</i> , AIR 1962 Mad. 234	12
5. <i>In Re Inland Steam Navigation Worker's Union</i> , AIR 1936 Cal 59	19
6. <i>The Food Corporation of India Staff Union v. Food Corporation of India & Ors</i> , AIR 1995 SC 1344.	23

Topic 3: Immunities – Criminal and Civil

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

7. <i>R.S. Ruikar v. Emperor</i> , AIR 1935 Nag. 149	27
8. <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)	30

PART – B: INDUSTRIAL DISPUTES

Topic 4: ‘Industry’ – Conceptual Analysis

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

9. <i>Bangalore Water Supply and Sewerage Board v. A. Rajappa</i> , AIR 1978 SC 548	38
10. <i>State of U.P. v. Jai Bir Singh</i> (2005) 5 SCC 1	82
11. <i>Arihant Siddhi Co.Op. Hg. Soc. Ltd. V. Pushpa Vishnu More</i> Bombay High Court, Writ Petition No. 787 OF 2007, Order dated 22-06-2018	97

Topic 5: ‘Industrial Dispute’ v. ‘Individual Dispute’ - Contrast

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

11. <i>Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate</i> , AIR 1958 SC 353	99
12. <i>Municipal Corporation of Delhi v. Female Workers (Muster Roll)</i> AIR 2000 SC 1274; (2000) 3 SCC 224	107
13. <i>J.H. Jadhav v. Forbes Gokak Ltd.</i> (2005) 3 SCC 202	112

Topic 6: 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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| 14. <i>Dharangadhra Chemical Works Ltd. v. State of Saurashtra</i> ,
AIR 1957 SC 264 | 115 |
| 15. <i>A. Sundarambal v. Government of Goa, Daman & Diu</i> ,
AIR 1988 SC 1700 | 121 |
| 16. <i>H.R. Adyanthaya v. Sandoz (India) Ltd.</i> (1994) 5 SCC 737 | 125 |

Topic 7: ‘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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| 17. <i>Management of Chandramalai Estate v. Its Workmen</i> ,
AIR 1960 SC 902 | 138 |
| 18. <i>Syndicate Bank v. K. Umesh Nayak</i> (1994) 5 SCC 572 | 142 |
| 19. <i>Essorpe Mills Ltd. v. P.O.; Labour Court</i> (2008) 7 SCC 594 | 156 |
| 20. <i>T. K. Rangarajan v. Government of Tamil Nadu and others</i> , (2003) 6
SCC 581 | 161 |

Topic 08: ‘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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| 21. <i>Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, Labour Court</i> (1990) 3 SCC 682 | 170 |
| 22. <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 | 186 |
| 23. <i>U.P. State Brassware Corporation Ltd. v. Uday Narain Pandey</i> (2006) 1 SCC 479 | 191 |
| 24. <i>Deepali Gundu Surwase v. Kranti Junior Adhyapak & Ors</i> (2013) 10 SCC 324 | 201 |
| 25. <i>Management of the Barara Cooperative Marketing cum Processing Society Ltd. v. Workman Pratap Singh</i> AIR 2019 SC 228 | 224 |

27. <i>Manju Saxena v. Union Of India</i> , Supreme Court of India Civil Appeal Nos. 1176611767 OF 2018, Judgment Dated: 3.12.2018	227
28. <i>Ram Manohar Lohia Joint Hospital v. Munna Prasad Saini</i> CIVIL APPEAL NO. 5810 OF 2021, Judgment Dated: 20 September, 2021	235

IMPORTANT NOTE

1. The topics as well as cases mark the broad contours of the study domain. The teachers may feel free to extend the topics/cases for the larger benefit of the society and the students.
2. The students are required to study the legislations as amended from time to time and consult the latest editions of books as well as issues/debates.