

LL.B. IV Term

Paper : LB - 4032 – Labour Law - II

General Readings:

1. *Report of the National Commission on Labour* (1969)
2. *Report of the Second National Commission on Labour* (2002)
3. *Report of the Committee on Fair Wages* (1948)

Part – A : The Industrial Disputes Act, 1947

Prescribed Legislations:

1. The Industrial Disputes Act, 1947
2. The Industrial Employment (Standing Orders) Act, 1946

Prescribed Books:

1. O.P. Malhotra, *The Law of Industrial Disputes* (6th ed., 2004)
2. G.B. Pai, *Labour Law in India* (2001)
3. P.L. Malik (Rev.), K.D. Srivastava's *Industrial Employment (Standing Orders) Act, 1946* (4th ed., 2000)
4. P.L. Malik's *Industrial Law* (21st ed., 2008)
5. S.C. Srivastava (Rev.) *Labour Law and Labour Relations : Cases and Materials* (3rd ed., 2007)

Topic 1 : Aims and Objects of the Industrial Disputes Act

- (a) Investigation & Settlement of Industrial Disputes – General (sections 3 – 15)

1. *Bharat Bank Ltd. v. Employees*, AIR 1950 SC 188 1

- (b) Dispute Settlement Machinery: Conciliation and Adjudication

- (i) Conciliation/Mediation as a Dispute Settlement Mechanism
- (ii) Adjudication : Voluntary Adjudication/Arbitration and Compulsory Adjudication

Topic 2 : Reference of the Industrial Dispute

- (a) Nature & Scope of the Power of the Appropriate Government under section 10

- (b) Jurisdiction of Adjudicatory Authorities.

2. *Karnal Leather Karamchari Sanghatan (Regd.) v. Liberty Footwear Company (Regd.)*, AIR 1990 SC 247 16
3. *The State of Madras v. C.P. Sarathy*, AIR 1953 SC 53 21

4. <i>State of Bombay v. K.P. Krishnan</i> , AIR 1960 SC 1223	28
5. <i>Telco Convoy Drivers Mazdoor Sangh v. State of Bihar</i> , AIR 1989 SC 1565	39
6. <i>Sharad Kumar v. Govt. of NCT of Delhi</i> , AIR 2002 SC 1724	42
7. <i>The Delhi Cloth & General Mills Co. Ltd. v. Workmen</i> , AIR 1967 SC 469	46

Topic 3 : Awards and Settlements

(a) Settlement : Nature, Duration and Termination	
(b) Awards : Nature and Duration	
(c) Judicial Review of Industrial Awards	
8. <i>Sirsilk v. Government of Andhra Pradesh</i> , AIR 1964 SC 160	54
9. <i>Remington Rand of India Ltd. v. Workmen</i> , AIR 1968 SC 224	59
10. <i>J.K. Synthetics Ltd. v. K.P. Agrawal</i> (2007) 2 SCC 433	62
11. <i>Burn & Co. v. Their Employees</i> AIR 1957 SC 38	74

Topic 4 : Managerial Prerogative

Domestic Enquiry and Disciplinary actions with special reference to the Industrial Employment (Standing Orders) Act, 1946

12. <i>Delhi Cloth and General Mills Ltd. v. Kushal Bhan</i> , AIR 1960 SC 806	83
13. <i>Associated Cement Co. Ltd. v. Workmen</i> (1964) 3 SCR 652	85
14. <i>Tata Oil Mills Co. Ltd. v. Workmen</i> , AIR 1965 SC 155	91
15. <i>Indian Overseas Bank, Anna Salai v. P. Ganesan</i> , 2007 (13) SCALE 446	96
16. <i>Kusheshwar Dubey v. Bharat Coking Coal Ltd.</i> , AIR 1988 SC 2118	103
17. <i>The Board of Trustees of the Port of Bombay v. Dilipkumar Raghavendranath Nadkarni</i> , AIR 1983 SC 109	106
18. <i>Crescent Dyes & Chemicals Ltd. v. Ram Naresh Tripathi</i> , (1992) 3 SCALE 518	
19. <i>Bharat Petroleum Corpn. Ltd. v. Maharashtra General Kamgar Union</i> (1999) 1 SCC 626	113
20. <i>Managing Director, ECIL v. B. Karunakar</i> , AIR 1994 SC 1074	
21. <i>Depot Manager, Andhra Pradesh State Road Transport Corporation v. Mohd. Yousuf Miya</i> , (1996) 9 SCALE 65	118
22. <i>Debotosh Pal Choudhary v. Punjab National Bank</i> , AIR 2002 SC 3276	122

Topic – 5 : Powers of the Adjudicatory Authorities

Power in cases of Discharge/Dismissal (section 11A)

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| 23. | <i>The Workmen of M/s. Firestone Tyre & Rubber Co. of India P. Ltd. v. The Management</i> , AIR 1973 SC 1227 | 125 |
| 24. | <i>Hombe Gowda Educational Trust v. State of Karnataka</i> (2006) 1 SCC 430 | 147 |
| 25. | <i>Scooters India Limited v. Labour Court</i> , AIR 1989 SC 149 | 155 |
| 26. | <i>J.K. Synthetics Ltd. v. K.P. Agrawal</i> (2007) 2 SCC 433 | |

Topic – 6 : Restraints on Managerial Prerogatives (section 33 and 33A)

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| 27. | <i>The Management, Hotel Imperial v. Hotel Workers Union</i> , AIR 1959 SC 1342 | 158 |
| 28. | <i>Fakirbhai Fulabhai Solanki v. Presiding Officer</i> , AIR 1986 SC 1168 | 166 |
| 29. | <i>Ram Lakhan v. Presiding Officer</i> (2000)10 SCC 201 | 172 |

PART – B ; Wages

Prescribed Legislations:

1. The Minimum Wages Act, 1948
2. The Payment of Wages Act, 1936

Prescribed Books :

1. O.P. Malhotra, *The Law of Industrial Disputes* (6th ed., 2004)
2. G.B. Pai, *Labour Law in India* (2001)
3. K.D. Srivastava, *Minimum Wages Act, 1948* (1995)
4. P.L. Malik, *K.D. Srivastava's Commentaries on Payment of Wages Act, 1936* (5th ed., 1998)

Topic 7 : Wage – Concept and Kinds of Wages

- (i) Concept; Kinds - (a) Minimum Wage; (b) Fair Wage; (c) Living Wage
- (ii) The Minimum Wage Act, 1948
- (iii) Machinery under the Act for the Fixation of Minimum Wage
- (iv) The Payment of Wages Act, 1936 : Salient Features

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| 30. | <i>Crown Aluminum Works Ltd. v. Workmen</i> , AIR 1958 SC 130 | 178 |
| 31. | <i>Greaves Cotton and Co. Ltd. v Workmen</i> , AIR 1964 SC 639 | 186 |
| 32. | <i>The Workmen v. The Management of Reptakos Brett & Co. Ltd.</i> , AIR 1992 SC 504 | 194 |

PART – C : Bonus

Prescribed Legislations :

The Payment of Bonus Act, 1965

Prescribed Book :

P.L. Malik, K.D. Srivastava's Commentaries on *The Payment of Bonus Act, 1965* (8th ed. 1997)

Topic 8 : Payment of Bonus

Salient features of the Payment of Bonus Act, 1965

33. *Jalan Trading Co. (P.) Ltd. v. Mill Mazdoor Sabha*, AIR 1967 SC 69 202

PART – D : WORKMEN'S COMPENSATION

Topic 9 : Entitlement for Compensation

- (a) Concept of injury "arising out of and in the course of employment"
- (b) Disablement : Partial and Total ; Temporary and Permanent
- (c) Quantum of Compensation – principles for determination

34. *B.E.S.T. Undertaking v. Agnes* (1964) 3 SCR 930 221

IMPORTANT NOTE:

1. The students are advised to read only the books prescribed above along with legislations and cases.
2. The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
3. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.
4. The Question Paper shall include one compulsory question consisting of five parts out of which four parts will be required to be attempted. The question papers set for the academic years 2008 to 2010 are printed below for guidance.