

LL.B. V Term

LB- 503 - Industrial Law **(New Subject w.e.f. July 2016)**

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 : Reference of the Industrial Dispute

- (a) Nature & Scope of the Power of the Appropriate Government under section 10
- (b) Jurisdiction of Adjudicatory Authorities.

1. *The State of Madras v. C.P. Sarathy*, AIR 1953 SC 53 01
2. *State of Bombay v. K.P. Krishnan*, AIR 1960 SC 1223 08
3. *Telco Convoy Drivers Mazdoor Sangh v. State of Bihar*,
AIR 1989 SC 1565 19
4. *Sharad Kumar v. Govt. of NCT of Delhi*, AIR 2002 SC 1724 22
5. *The Delhi Cloth & General Mills Co. Ltd. v. Workmen*,
AIR 1967 SC 469 26

Topic 2 : Managerial Prerogative & Disciplinary Action

06	<i>Delhi Cloth and General Mills Ltd. v. Kushal Bhan</i> , AIR 1960 SC 806	34
07	<i>Associated Cement Co. Ltd. v. Workmen</i> (1964) 3 SCR 652	36
08	<i>Tata Oil Mills Co. Ltd. v. Workmen</i> , AIR 1965 SC 155	42
*	<i>Indian Overseas Bank, Anna Salai v. P. Ganesan</i> , 2007 (13) SCALE 446	
09	<i>Kusheshwar Dubey v. Bharat Coking Coal Ltd.</i> , AIR 1988 SC 2118	47

Topic – 3 : Powers of the Adjudicatory Authorities

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

10	<i>The Workmen of M/s. Firestone Tyre & Rubber Co. of India P. Ltd. v. The Management</i> , AIR 1973 SC 1227	50
11.	<i>Hombe Gowda Educational Trust v. State of Karnataka</i> (2006) 1 SCC 430	72
12.	<i>Scooters India Limited v. Labour Court</i> , AIR 1989 SC 149	80
*	<i>J.K. Synthetics Ltd. v. K.P. Agrawal</i> (2007) 2 SCC 433	

Topic – 4 : Restraints on Managerial Prerogatives (section 33 and 33A)

13.	<i>The Management, Hotel Imperial v. Hotel Workers Union</i> , AIR 1959 SC 1342	83
14.	<i>Fakirbhai Fulabhai Solanki v. Presiding Officer</i> , AIR 1986 SC 1168	91
15.	<i>Ram Lakhan v. Presiding Officer</i> (2000)10 SCC 201	97

Topic 5 : 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
- (v) Equal Remuneration Act, 1976

16.	<i>Crown Aluminum Works Ltd. v. Workmen</i> , AIR 1958 SC 130	103
17.	<i>Greaves Cotton and Co. Ltd. v Workmen</i> , AIR 1964 SC 639	111
18.	<i>The Workmen v. The Management of Reptakos Brett & Co. Ltd.</i> , AIR 1992 SC 504	119

Topic 6 : Payment of Bonus Act 1965 & Payment of Gratuity Act, 1972 & Payment of Gratuity Act, 1972

Salient features of the Payment of Bonus Act, 1965

19. *Jalan Trading Co. (P.) Ltd. v. Mill Mazdoor Sabha*, AIR 1967 SC 69 127

Topic 7 : Employees compensation Act, 1923 & Employee State Insurance Act, 1948

- (a) Concept of injury “arising out of and in the course of employment”
 (b) Disablement : Partial and Total ; Temporary and Permanent

20. *B.E.S.T. Undertaking v. Agnes* (1964) 3 SCR 930 146

Topic 8 : Social Security Legislations

Prescribed Legislation

- Maternity benefit Act, 1961
 - Factories Act, 1948
 - Relevant Provisions
- } **Sailent features**

* *Prag Narain v. The Grow* AIR 1928 78

* *Aedeshir H. Bhiwandiwalla v. State of Bombay*, AIR 1962 SC 29

* *Municipal Cooperation of Delhi v. Female Workers (Muder Roll) & another* 2000 SCC (L&S) 331



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Cases Selected and edited by

Rajan Varghese

O.B. Lal

S.K. Gupta

Namita Vashishtha

FACULTY OF LAW
UNIVERSITY OF DELHI, DELHI- 110 007
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