LL.B. IV Term

Paper – LB – 403 - Labour Law

General Readings:

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:

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

1. Kahn Freund’s Labour and Law (Hamlyn Lecture Series) 1

**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. Rangaswami v. Registrar of Trade Unions, AIR 1962 Mad. 231
4. The Tamil Nadu Non-Gazetted Government Officers’ Union v. The Registrar of Trade Unions, AIR 1962 Mad. 234
5. In Re Inland Steam Navigation Workers’ Union, AIR 1936 Cal 59

**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. R.S. Ruikar v. Emperor, AIR 1935 Nag. 149
8. Rohtas Industries Staff Union v. State of Bihar, AIR 1963 Pat. 170
   (Also see Rohtas Industries v. Its Union, AIR 1976 S.C. 425)

**PART – B : INDUSTRIAL DISPUTES**

**Topic 4: ‘Industry’ – Conceptual Analysis**

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


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

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


**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)
### Topic 7: ‘Strike & Lock out’


<table>
<thead>
<tr>
<th>Case Study</th>
<th>Reference</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dharangadhra Chemical Works Ltd. v. State of Saurashtra</td>
<td>AIR 1957 SC 264</td>
<td>113</td>
</tr>
<tr>
<td>H.R. Adyanthaya v. Sandoz (India) Ltd. (1994)</td>
<td>5 SCC 737</td>
<td>123</td>
</tr>
<tr>
<td>Syndicate Bank v. K. Umesh Nayak</td>
<td>5 SCC 572</td>
<td>141</td>
</tr>
<tr>
<td>T. K. Rangarajan v. Government of Tamil Nadu and others</td>
<td>6 SCC 581</td>
<td>159</td>
</tr>
</tbody>
</table>

### 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

<table>
<thead>
<tr>
<th>Case Study</th>
<th>Reference</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, Labour Court (1990)</td>
<td>3 SCC 682</td>
<td>168</td>
</tr>
<tr>
<td>U.P. State Brassware Corporation Ltd. v. Uday Narain Pandey (2006)</td>
<td>1 SCC 479</td>
<td>189</td>
</tr>
<tr>
<td>Deepali Gundu Surwase v. Kranti Junior Adhyapak &amp; Ors (2013)</td>
<td>10 SCC 324</td>
<td>199</td>
</tr>
<tr>
<td>Management of the Barara Cooperative Marketing cum Processing Society Ltd. v. Workman Pratap Singh</td>
<td>AIR 2019 SC 228</td>
<td>222</td>
</tr>
</tbody>
</table>

### 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.