Labour and Industrial Law – I

KSLU 3-Year LL.B. · 2nd Semester · IR Code 2020 + Code on Wages 2019 — Complete Exam-Ready Study Bundle

KSLU LL.B. Study Bundle

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Notes Version: **v2.0**

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> ***Read this first page, then go to your unit.*** *This single bundle holds the whole subject: how to use the notes, the rules that win marks, and all five units of content. Everything is in plain English, every Latin maxim is translated in [brackets], and every topic is built backwards from the real exam questions.*

How to Use These Notes

What this is. A complete, exam-focused bundle covering all five units of KSLU Labour and Industrial Law – I (2nd Semester). The statutory base is the **Industrial Relations Code, 2020** (IR Code) and the **Code on Wages, 2019** — the two Codes that replaced six older Acts. Old Act section numbers are shown in brackets wherever they are famous (examiners still use them).

Who it is for. The first-time learner (understand before memorising), the revision student (fast high-yield recall), and the last-week crammer (which questions repeat most and how to answer them).

What is inside every topic — the same seven blocks, in the same order:

Block	Its job	The mark it earns
Previous Year Questions	Real questions + years asked	What to prepare and how often it repeats
The Hook	A true story / landmark-case opener	Memorable; a strong opening line
The Concept	Plain-English explanation	Understanding before memorising
The Quote + In Simple Terms	Exact statutory text + translation	Examiners reward precise authority
The Visual (Mermaid chart)	Maps the topic structure	Recall and structure at a glance
Case Laws	Landmark judgments + ratio	Case names with years are pure marks
Blueprint + Risk Alert	Answer plan + applied IRAC	Converts knowledge into a scoring answer

Each unit closes with a **Quick Revision & Case Law Table** for the final hour.

Exam patterns — two formats are in use:

Format	Papers	Structure	Total
100-mark *(5-yr LL.B. pattern used in Apr 2021, Nov 2021, Apr 2022, Nov 2022; new 3-yr pattern from Jun 2025 onwards)*	Q.1–Q.9: each **16M** (long essay) · Q.10: Short notes — any **2** of (a)(b)(c) @ **8M each** = 16M · **Q.11 COMPULSORY**: Solve any **2** of (a)(b)(c) @ **10M each** = 20M · Attempt: Q.11 + any 5 from Q.1–Q.10	**100**	
80-mark *(current 3-yr LL.B. pattern, Feb 2025, Jan 2026 etc.)*	5 Units × (10M long essay **OR** choice + 6M short note/ problem)	**80**	

> ***Key point:*** *In the 100-mark paper there are* ***no 6M questions****. Q.10 has exactly* ***3 sub-questions at 8M each*** *— you write any two (2×8 = 16M). The 6M tag in PYQ boxes refers exclusively to the 80-mark paper format.*

> ***How to use the PYQ boxes:*** *Questions are tagged as follows —* ***[16M]*** *= long essay from a 100-mark paper;* ***[8M SN]*** *= short-note sub-question from Q.10 of a 100-mark paper (any 2 of 3);* ***[10M → 16M]*** *= long essay from 80-mark paper, prepare at 16M depth;* ***[6M]*** *= short note from 80-mark paper;* ***[Problem]*** *= applied problem from Q. 11 of 100-mark paper or 80-mark problem slot.*

The 4-step study plan. (1) Read the PYQ box first. (2) Understand via the Concept and Visuals. (3) Memorise the Blueprint stages. (4) Rehearse one IRAC Risk Alert per topic.

The 10 Rules That Win Marks

1. **Lead with a definition + roadmap.**
2. **Follow the Blueprint Tracker** stage by stage.
3. **Name the case AND the year** every time.
4. **Quote the exact section** — cite IR Code section first, old Act in brackets.
5. **Translate every Latin maxim in [brackets].**
6. **Use the four IRAC headings** for problems; spot the decoy fact.
7. **Always give a definite verdict.**
8. **Use the chart’s structure** to organise the body of the answer.
9. **Close with a short, confident conclusion.**
10. **Manage time** so no high-mark question is left blank.

Syllabus at a Glance

What changed? KSLU replaced six old Acts with two new Codes for this subject. This table is your quick reference.

Old Act (still asked by name in exams)	Status	New home
Trade Unions Act, 1926	♻ Merged	IR Code 2020, Chapter III (§5–27)
Industrial Disputes Act, 1947	♻ Merged	IR Code 2020, Chapters I–IX
Industrial Employment (Standing Orders) Act, 1946	♻ Merged	IR Code 2020, Chapter IV (§28–39)
Equal Remuneration Act, 1976	♻ Merged	Code on Wages 2019, §3
Minimum Wages Act, 1948	♻ Merged	Code on Wages 2019, §§5–14
Payment of Wages Act, 1936	♻ Merged	Code on Wages 2019, §§15–25
Payment of Bonus Act, 1965	♻ Merged	Code on Wages 2019, §§26–41

> ***Exam tip.*** *When a question names the old Act ("…under the Trade Unions Act, 1926"), answer from the* ***new Code chapter*** *but note in one sentence that the provision is now consolidated. Examiners reward awareness of the transition.*

UNIT I — Introduction to Industrial Relations

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1. Evolution of Labour Law & Historical Perspectives

Previous Year Questions

*(No direct 16M question yet from the Jun 2025 100-mark paper — prepare the 10M questions below at **16M depth** for the new exam format.)*

- ***[10M → 16M]** Trace the historical evolution of labour legislation in India from the laissez-faire era to the welfare State and the transition to the New Labour Codes. (Jun 2015, Jun 2014, Jun 2013, Jun 2012, Jun 2011 — 100-mark older pattern)* □□□
- ***[10M → 16M]** Explain the factors responsible for departure from the master–servant theory. (Mar 2022 — 80-mark paper)* □□
- ***[6M]** Write a short note on the principles underlying labour legislation.* □□
- ***[6M]** What are ‘labour problems’? How does law address them?* □

The Hook

Picture an English textile mill around 1800. Children as young as six work fourteen-hour shifts beside roaring machines. No safety net, no fixed wage, no holiday. The Industrial Revolution created enormous wealth, but it also created a vast class of workers with no bargaining power. Out of this misery grew the entire idea of “labour law” — the State stepping in to protect those who sell their labour. India’s journey from that colonial mill floor to today’s four Labour Codes spans two centuries of struggle, legislation, and constitutional mandate.

What is Labour Law and Why It Exists

Labour law [the body of rules governing the relationship between workers and employers] exists because of a fundamental inequality: the worker needs the job more than the employer needs any one worker. Without law, the stronger party always wins. Labour law changes the rules of the game by imposing minimum standards that neither party can bargain away.

Three broad phases mark India's journey:

Phase 1 — Laissez-faire [let it be; minimal State interference] (pre-1919). The State stayed out. Employment was a "free contract." In practice, the worker had no bargaining power. Children, women, and men were exploited freely.

Phase 2 — Welfare State (1919–2019). Driven by the ILO (1919), constitutional directives (1950), and the trade union movement, Parliament enacted over 44 central labour statutes — Trade Unions Act 1926, Payment of Wages Act 1936, Industrial Disputes Act 1947, Factories Act 1948, Minimum Wages Act 1948, Employees' Compensation Act 1923, ESI Act 1948, and many more.

Phase 3 — Codification (2019–2020). The **Second National Commission on Labour (2002)** found India's labour laws "too many, too complex, and outdated." On its recommendations, Parliament consolidated 29 central Acts into **four Labour Codes**.

The Factors for Departing from the Master–Servant Theory

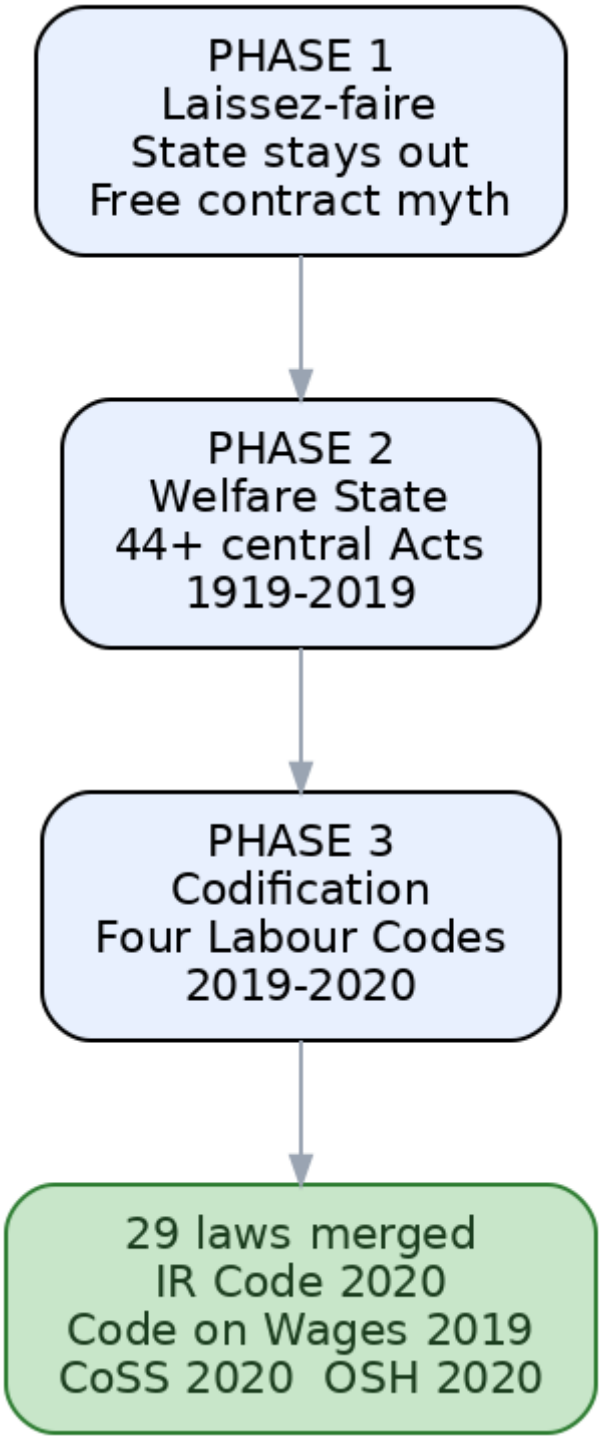
The old **master–servant theory** treated employment as a private, bilateral contract between equals — the master commanded, the servant obeyed. Six forces dismantled this fiction:

1. **Inequality of bargaining power** — the worker rarely bargained as an equal; the "free contract" was a myth.
2. **Rise of trade unions** — collective strength replaced individual weakness; unions forced employers to negotiate.
3. **Welfare-State philosophy** — governments accepted a duty to protect workers by law, not merely by good will.
4. **Constitutional mandate** — Articles 23, 38, 39, 41, 42, 43 and 43-A demand fair conditions and social justice.
5. **ILO and international standards** — the 1919 ILO framework set global benchmarks that India adopted.
6. **Industrial jurisprudence** — courts read social justice into employment contracts, widening worker protection.

> ***Section 2(zr), IR Code 2020:*** *"worker means any person… employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward…"*

In Simple Terms: The law moved from "the master commands, the servant obeys" to "both sides have rights and duties defined by statute." The shift is described as a move **from contract to status** — the worker's rights now flow from the law, not from whatever the employer was willing to agree.

The Visual



Case Laws

- ***Bangalore Water Supply & Sewerage Board v. A. Rajappa (1978)*** — illustrates how industrial jurisprudence expanded worker protection well beyond private contract.
- ***People's Union for Democratic Rights v. Union of India (1982)*** — Supreme Court constitutionalised labour welfare, holding non-payment of minimum wage = forced labour under Art. 23.

- ***Hussainbhai v. Alath Factory Tezhilali Union (1978)*** — economic reality, not contract form, determines the true employer–worker relationship.

16-MARK ESSAY BLUEPRINT

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Open with the Industrial Revolution image; state the answer covers evolution, factors for departure from master–servant theory, and transition to Codes.*
- ***STAGE 2 ⟶ Three Phases:*** *Laissez-faire → Welfare State (key statutes) → Codification (four Codes). Give at least two Act names with years per phase.*
- ***STAGE 3 ⟶ Six Departure Factors:*** *Bargaining power inequality, trade unions, welfare State, constitutional mandate (cite Articles), ILO, industrial jurisprudence.*
- ***STAGE 4 ⟶ Cases + Second NCL:*** *People's Union for Democratic Rights (constitutional Labour law), Hussainbhai (economic reality); Second NCL 2002 as the blueprint for Codes.*
- ***STAGE 5 ⟶ Verdict:*** *"The journey from master–servant to the four Labour Codes reflects a fundamental shift from contract to status, placing social justice at the heart of industrial relations."*

FACT-PATTERN RISK ALERT

Scenario: *A factory manager tells a newly joined worker: "Our mutual agreement overrides any minimum wage — you agreed to ₹7,000 pm, which is below the statutory minimum." The worker approaches the labour authority.*

- ***I — ISSUE:*** *Can the employer lawfully pay below the statutory minimum wage on the basis of a private mutual agreement?*
- ***R — RULE:*** *Section 6, Code on Wages 2019 — every employer shall pay wages not less than the applicable minimum rate of wages; no agreement reducing this is valid. People's Union for Democratic Rights (1982) — paying below minimum wage = forced labour under Art. 23.*
- ***A — ANALYSIS:*** *The private agreement is void to the extent it falls below the statutory minimum. The "free contract" argument is the discredited laissez-faire fiction. The Code on Wages overrides private bargains.*
- ***C — CONCLUSION:*** *The employer must pay the statutory minimum. The agreement is unenforceable below the minimum; the worker is entitled to the difference plus authority-imposed penalty.*

2. Laissez-faire State, ILO & International Dimensions

Previous Year Questions

*(No direct 16M question yet from the Jun 2025 100-mark paper — prepare the 10M questions below at **16M depth** for the new exam format.)*

- ***[10M → 16M]*** *Examine the impact of the Industrial Revolution on the development of labour law internationally and in India. Discuss the contribution of the ILO to Indian labour legislation. (Jun 2013 — 100-mark)* □□
- ***[10M → 16M]*** *Explain the impact of ILO on Indian labour law. (Apr 2022 — 80-mark)* □□
- ***[6M]*** *Write a short note on the ILO and its role in shaping Indian labour legislation.* □□
- ***[6M]*** *Laissez-faire State and its impact on workers.* □

The Hook

In 1919, just after World War I, the victorious nations sat down and wrote the Treaty of Versailles. Buried in Part XIII was a single revolutionary sentence: “Universal and lasting peace can be established only if it is based upon social justice.” That sentence created the **International Labour Organisation (ILO)** — with India as a founding member. For the first time, fair treatment of workers was declared a matter of international concern, not just domestic charity.

The Concept

Laissez-faire [French: “let do” / let it be] was the 19th-century doctrine that the State should not interfere in the economy or in contracts between employers and workers. Under this theory: - Wages, hours, and conditions were purely a matter for private bargaining. - The worker’s “freedom” to accept or refuse a job was treated as genuine, even though refusing usually meant starvation. - Industrial injuries gave no right of compensation unless the worker could prove fault.

The **ILO** broke the laissez-faire consensus at the international level. Its structure is **tripartite** — governments, employers, and workers all participate equally. It sets standards through: - **Conventions** — binding international treaties once ratified by a member State. - **Recommendations** — guidelines that do not create binding obligations.

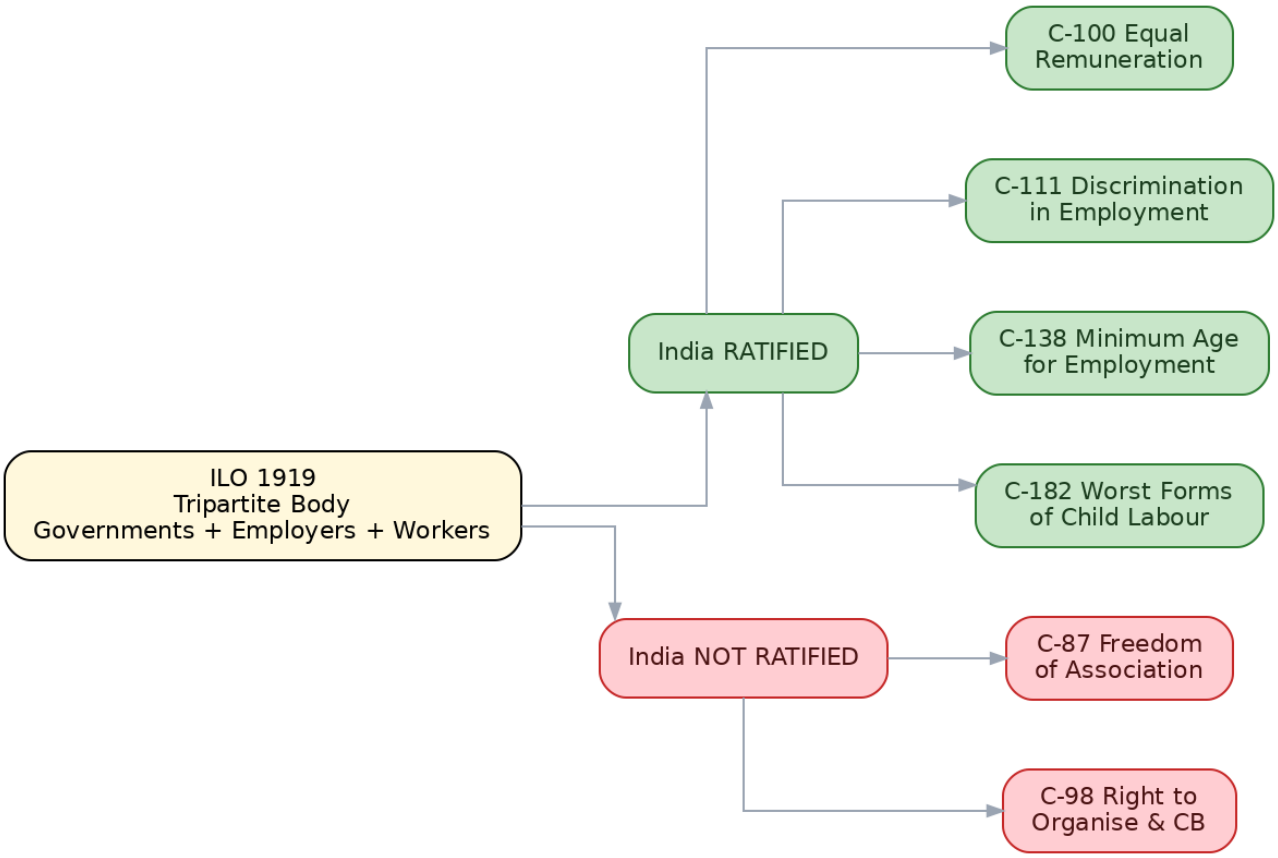
India’s ILO record: - Founder member (1919). - Has **ratified 47 Conventions** including C-100 (Equal Remuneration), C-111 (Discrimination), C-138 (Minimum Age), C-182 (Worst Forms of Child Labour). - Has **NOT ratified** C-87 (Freedom of Association) and C-98 (Right

to Organise and Collective Bargaining) — the two core “freedom of association” conventions.

> ***ILO Constitution, Preamble (1919):*** *“Universal and lasting peace can be established only if it is based upon social justice.”*

In Simple Terms: The ILO gave India a ready template of internationally accepted labour standards — minimum age rules, equal pay, hours of work, and freedom of association. Even where India has not ratified an ILO convention, the conventions influence domestic legislation. The Code on Wages 2019 reflects C-100; child labour prohibitions reflect C-138 and C-182.

The Visual



Case Laws

- ***Randhir Singh v. Union of India (1982)*** — “equal pay for equal work” derived from ILO C-100 and Articles 14, 16 and 39(d); enforceable in India.
- ***People’s Union for Democratic Rights v. Union of India (1982)*** — minimum wage and forced labour linked to ILO norms and Art. 23.
- ***Workmen of Hindustan Lever v. Hindustan Lever (1984)*** — ILO conventions on equal treatment inform domestic law interpretation.

16-MARK ESSAY BLUEPRINT

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Open with the ILO's birth in 1919; state the answer covers laissez-faire, ILO structure, India's position, and impact on domestic law.*
- ***STAGE 2 ⟶ Laissez-faire and its Failure:*** *Freedom of contract as fiction; Industrial Revolution abuses; child labour, long hours, no compensation.*
- ***STAGE 3 ⟶ ILO — Structure and Instruments:*** *Tripartite, Conventions vs Recommendations; founder member India; ratification status (C-87 and C-98 not ratified).*
- ***STAGE 4 ⟶ Impact on Indian Law:*** *C-100 → Equal Remuneration/Code on Wages; C-138, C-182 → child labour law; C-111 → anti-discrimination. Cases: Randhir Singh, PUDR.*
- ***STAGE 5 ⟶ Verdict:*** *"The ILO supplied the international template; India domesticated these standards into statute — most visibly in equal pay and child-labour law — even while declining to ratify the core freedom-of-association conventions."*

FACT-PATTERN RISK ALERT

Scenario: *A garment factory employs a 13-year-old boy in its packaging section for 8 hours a day. The employer argues that packaging is not a "hazardous process" and the factory is not a mine, so there is no violation.*

- ***I — ISSUE:*** *Is employing a child under 14 in any occupation by a factory lawful under Indian law as informed by ILO C-138 and C-182?*
- ***R — RULE:*** *Article 24, Constitution — no child under 14 employed in any factory, mine or hazardous employment. Child Labour (P&R) Act 1986 (now subsumed under OSH Code 2020 provisions) prohibits employment of children under 14 in any establishment. ILO C-138 sets minimum age at 15 (or 14 in developing countries for certain light work).*
- ***A — ANALYSIS:*** *The employer's decoy is the "hazardous process" argument. Article 24 is absolute and not limited to hazardous processes alone for children under 14. Employment of a 13-year-old in any factory capacity is prohibited.*
- ***C — CONCLUSION:*** *The employment is unlawful. The employer is liable to prosecution. ILO C-138 supports this position, and Art. 24 gives it constitutional force.*

3. Constitutional Framework for Labour & Industrial Relations

Previous Year Questions

*(No direct 16M question from the Jun 2025 100-mark paper — prepare the 10M questions below at **16M depth** for the new exam format.)*

- ***[10M → 16M]*** *Discuss the constitutional framework for labour and industrial relations in India with special reference to Fundamental Rights and Directive Principles. (Recurring across all years)* □□□
- ***[10M → 16M]*** *"The Fundamental Rights and Directive Principles of State Policy are the backbone of industrial jurisprudence in India." Elucidate. (Jun 2019, Dec 2019, Oct 2023, Feb 2025 — in LL-II context; also in LL-I)* □□□
- ***[6M]*** *Write a short note on Articles 19(1)(c) and 23.* □□
- ***[6M]*** *Trade unions and relevant constitutional provisions. (Feb 2025 — 80-mark, Unit I)* □□

The Hook

When India wrote its Constitution in 1949, it did not put "labour rights" in one neat chapter. Instead it wove worker protection through the entire document — in Fundamental Rights (enforceable in court) and in Directive Principles (guiding every law Parliament passes). The Supreme Court in *People's Union for Democratic Rights v. Union of India (1982)* used this constitutional framework to strike down non-payment of minimum wages as "forced labour" under Article 23 — turning a Directive Principle into an enforceable command.

The Concept

The Constitution protects labour through **two sets of provisions**.

Fundamental Rights (Part III) — directly enforceable:

Article	Protection
Art. 14	Equality before law — no arbitrary discrimination in employment
Art. 16	Equal opportunity in public employment
Art. 19(1)(c)	Right to form associations and trade unions
Art. 23	Prohibition of forced labour and traffic in human beings
Art. 24	No child under 14 in a factory, mine or hazardous employment
Art. 21	Right to life — courts read dignified work and livelihood into this

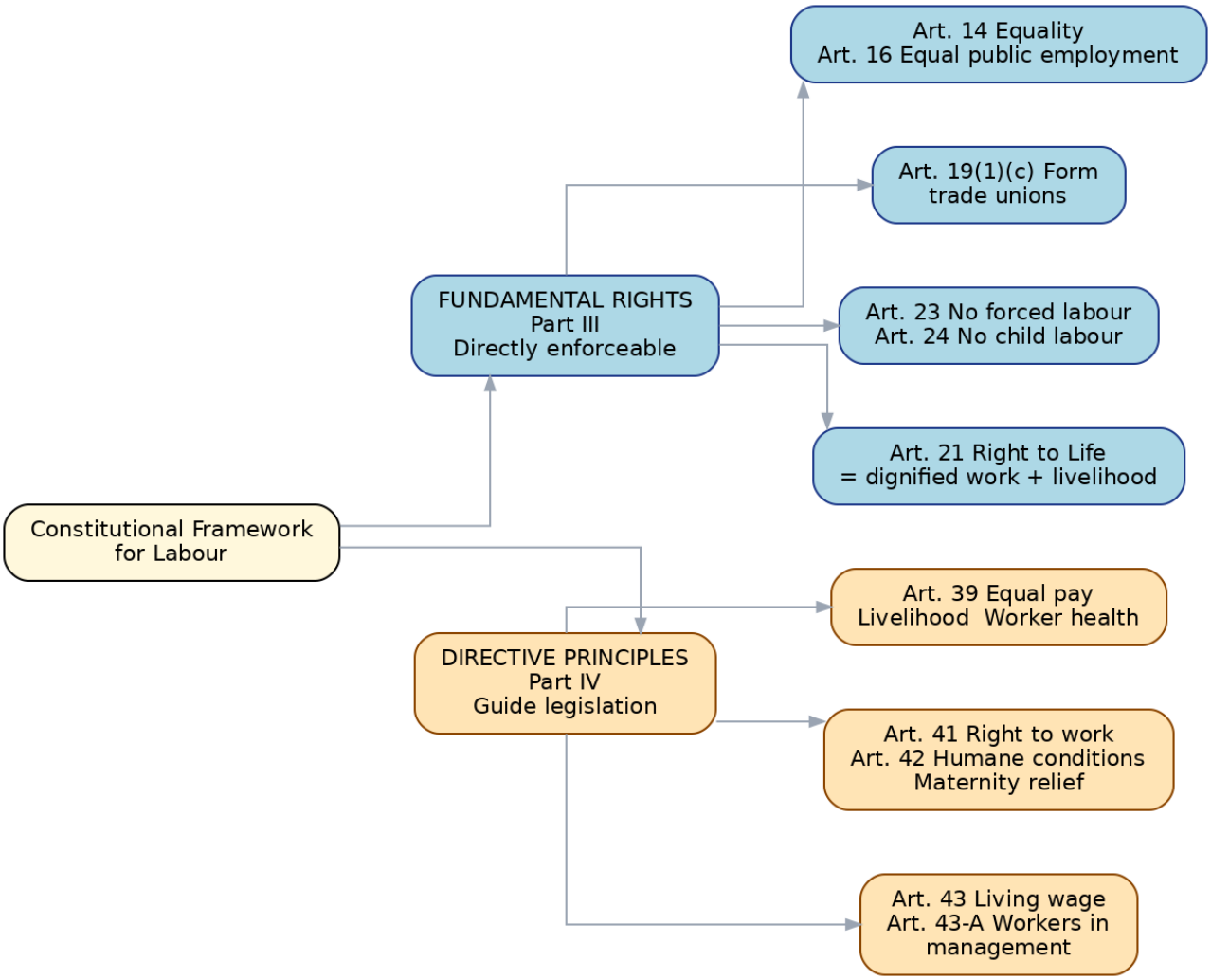
Directive Principles (Part IV) — not directly enforceable but guide all legislation:

Article	Direction
Art. 38	State to secure social order based on social, economic, political justice
Art. 39(a)	Adequate means of livelihood for all citizens
Art. 39(d)	Equal pay for equal work (men and women)
Art. 39(e)	Health and strength of workers and children not abused
Art. 41	Right to work, education and public assistance
Art. 42	Just and humane conditions of work and maternity relief
Art. 43	Living wage and decent standard of life
Art. 43-A	Workers' participation in management

> ***Article 38, Constitution of India:*** *"The State shall strive to promote the welfare of the people by securing a social order in which justice — social, economic and political — shall inform all the institutions of national life."*

In Simple Terms: The Constitution creates two levels of protection. Fundamental Rights (Arts. 14, 16, 19, 23, 24) can be enforced in court directly. Directive Principles (Arts. 39, 41, 42, 43) guide Parliament when it makes laws — and the Supreme Court has made them **quasi-enforceable** by reading them into Article 21 (right to life with dignity). Every labour statute, including the new Codes, must trace its authority back to this constitutional framework.

The Visual



Case Laws

- ***People's Union for Democratic Rights v. Union of India (1982)*** — non-payment of minimum wages = forced labour under Art. 23; Directive Principles read into Fundamental Rights.
- ***Bandhua Mukti Morcha v. Union of India (1984)*** — bonded labour system is a violation of Art. 21 (right to life with dignity).
- ***Randhir Singh v. Union of India (1982)*** — "equal pay for equal work" enforceable under Arts. 14, 16 and 39(d).
- ***Olga Tellis v. Bombay Municipal Corporation (1985)*** — right to livelihood is part of Art. 21; cannot be taken away except by procedure established by law.
- ***All India Bank Employees' Association v. NIT (1962)*** — Art. 19(1)(c) guarantees the right to form a union, not the right to achieve every union objective; no fundamental right to strike.

16-MARK ESSAY BLUEPRINT

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Open with PUDR v. UOI (1982) — the case that weaponised the Constitution for workers; state the answer covers FRs, DPs, and their interplay.*
- ***STAGE 2 ⟶ Fundamental Rights:*** *Arts. 14, 16, 19(1)(c), 21, 23, 24 — state each in one sentence with the labour protection it gives.*
- ***STAGE 3 ⟶ Directive Principles:*** *Arts. 38, 39, 41, 42, 43, 43-A — explain each briefly; note they guide legislation and are quasi-enforceable through Art. 21.*
- ***STAGE 4 ⟶ Judicial Bridging:*** *How courts linked Art. 21 to livelihood (Olga Tellis), to bonded labour (Bandhua Mukti), to equal pay (Randhir Singh), and to forced labour (PUDR).*
- ***STAGE 5 ⟶ Verdict:*** *"The constitutional framework is the living source of all labour legislation — the new Codes are nothing but the statutory expression of this constitutional vision of social justice."*

FACT-PATTERN RISK ALERT

Scenario: *A contractor employs 50 migrant workers at ₹5,000 pm — below the notified minimum wage. The workers are told they cannot leave until they repay "advance money" given to their families. They complain under Art. 32.*

- ***I — ISSUE:*** *Do the workers have a constitutional remedy for forced labour and sub-minimum wages?*
- ***R — RULE:*** *Art. 23 — forced labour is prohibited. Art. 21 — right to life includes livelihood. PUDR v. UOI (1982) — payment below minimum wage = forced labour. Art. 32 — right to move Supreme Court for enforcement of Fundamental Rights.*
- ***A — ANALYSIS:*** *Two violations exist: (a) below-minimum wages = forced labour under Art. 23; (b) withholding freedom to leave = bonded labour (Bandhua Mukti). The advance repayment condition is a device to keep workers in bondage. Art. 32 petition is maintainable.*
- ***C — CONCLUSION:*** *The workers are entitled to relief under Art. 32. The Court can direct payment of arrears at minimum wage rates, release from bondage, and prosecution of the contractor.*

4. The Four Labour Codes & Transition from Old Acts

Previous Year Questions

*(No direct 16M question from the Jun 2025 100-mark paper — prepare the 10M questions below at **16M depth** for the new exam format.)*

- ***[10M → 16M]*** *Discuss the rationale for consolidating 29 central labour laws into four Labour Codes. Critically examine the recommendations of the Second National Commission on Labour, 2002.* □□
- ***[6M]*** *Write a short note on the Four Labour Codes / Second NCL 2002.* □□
- ***[6M]*** *What is the Code on Wages, 2019? State its objectives.* □

The Hook

By 2000, India had over 44 central labour laws — many overlapping, some dating to the 1920s. A single worker could be governed by five different definitions of “wages” in five different Acts, each with different thresholds, each requiring a separate register and return. The **Second National Commission on Labour (2002)**, chaired by Ravindra Varma, called this a “maze” and recommended consolidation. Eighteen years later, Parliament delivered four Codes — the most significant restructuring of Indian labour law since Independence.

The Concept

The **Second National Commission on Labour (2002)** — the key policy document — made five core recommendations:

1. **Consolidate and simplify** existing laws into a few functional Codes.
2. **Extend coverage** to the 90% of workers in the unorganised sector left out by old Acts.
3. **Uniform definitions** of “worker,” “wages” and “establishment” across all laws.
4. A **statutory national minimum/floor wage** covering all workers.
5. **Single registration, return and licensing** regime to ease compliance.

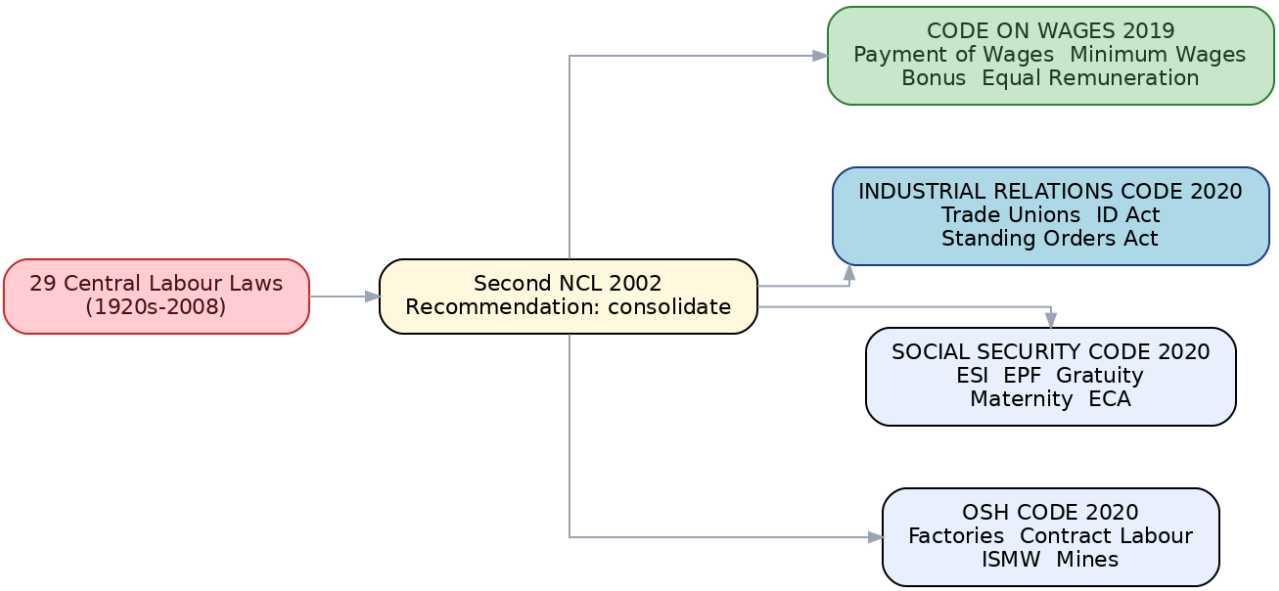
The result was **four Labour Codes**:

Code	Year	Old Acts merged	Coverage for LL-I
Code on Wages	2019	Payment of Wages, Minimum Wages, Equal Remuneration, Payment of Bonus Acts	Unit V of LL-I
Industrial Relations Code	2020	Trade Unions Act, Industrial Disputes Act, Standing Orders Act	Units I–IV of LL-I
Code on Social Security	2020	EPF, ESI, Gratuity, Maternity Benefit, ECA Acts	LL-II subject
OSH & Working Conditions Code	2020	Factories Act, Contract Labour Act, ISMW Act	LL-II subject

> ***Second NCL, 2002 (summary of its recommendation):*** *"The existing labour laws are too many, too complex, and need to be consolidated, simplified and rationalised."*

In Simple Terms: The four Codes do the same job as 29 old Acts, but more cleanly. For this subject (Labour Law I), only **two Codes matter**: the **IR Code 2020** (Units I–IV) and the **Code on Wages 2019** (Unit V).

The Visual



Case Laws

No specific case laws on the Codes themselves (they are new legislation). The judicial background is provided by *Bangalore Water Supply v. A. Rajappa (1978)* (need for clarity in definitions) and the constitutional welfare jurisprudence cases.

16-MARK ESSAY BLUEPRINT

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Open with the "maze" of 44 Acts; state the answer covers the Second NCL recommendations and the four Codes.*
- ***STAGE 2 ⟶ Why Consolidation Was Needed:*** *Overlapping Acts, clashing definitions, coverage gap for unorganised workers.*
- ***STAGE 3 ⟶ Second NCL 2002 — Five Recommendations:*** *Consolidation, coverage extension, uniform definitions, floor wage, single compliance.*
- ***STAGE 4 ⟶ The Four Codes:*** *Table: Code name, year, Acts merged, scope. Critical view — critics say thresholds raised, right to strike curtailed.*
- ***STAGE 5 ⟶ Verdict:*** *"The four Codes are the Second NCL's blueprint in statutory form — simplifying structure while keeping social justice as the declared goal, though whether they genuinely advance worker welfare or ease business compliance remains contested."*

FACT-PATTERN RISK ALERT

Scenario: *A factory employs 150 workers. Under the old Standing Orders Act, the threshold for applicability was 100 workers. Under the IR Code 2020, the threshold is 300 workers. The management argues the factory need not have certified standing orders.*

- ***I — ISSUE:*** *Does the IR Code 2020 exempt an establishment with 150 workers from the requirement of certified standing orders?*
- ***R — RULE:*** *Section 28, IR Code 2020 — applies to every industrial establishment employing* ***300 or more workers*** *(raised from the old Act's 100). Section 29 — the appropriate government may make model standing orders that automatically apply in the interim.*
- ***A — ANALYSIS:*** *The factory with 150 workers falls* ***below*** *the new threshold of 300. The IR Code does not require it to have certified standing orders. However, model standing orders under Sec. 29 may apply in the absence of certified ones.*
- ***C — CONCLUSION:*** *The management's argument is correct under the IR Code 2020. Establishments with fewer than 300 workers are not obligated to certify standing orders, though the appropriate government's model orders may fill the gap.*

5. Definition of ‘Industry’ — The Triple Test

Previous Year Questions

- ***[16M]*** *“Discuss the definition of ‘Industry’ with the help of decided cases.” (Apr 2022 — 100-mark 5-yr LL.B., Q.1)* ← ***[16M]***
- ***[10M → 16M]*** *Define ‘Industry’. Discuss whether a Hospital / University is an “industry” with reference to decided cases. (Mar 2022 — 80-mark; Nov 2022 — 80-mark; Apr 2023 — 80-mark; Dec 2013, Jun 2014, Jun 2015 — 100-mark)*
- ***[10M → 16M]*** *Explain the concept of ‘Industry’ under the IR Code 2020 with the Triple Test from Bangalore Water Supply. (Jun 2018, Jun 2019, Dec 2019, Apr 2021, Nov 2021 — 80-mark)*
- ***[6M]*** *Write a short note on the Triple Test / Bangalore Water Supply case.*
- ***[Problem]*** *A Charitable Firm, a Municipality, or a CA Firm — is it an “industry”? (Dec 2013 — 100)*

The Hook

In 1978, the Supreme Court of India faced a deceptively simple question: Is the **Bangalore Water Supply and Sewerage Board** — a government body providing a public utility — an “industry”? Seven judges sat together, because the question mattered for millions of workers in government bodies and hospitals. Their answer — the **Triple Test** — became the most cited definition in Indian labour law and was later codified directly into Section 2(p) of the IR Code 2020.

The Concept

> ***Section 2(p), IR Code 2020:*** *“‘industry’ means any systematic activity carried on by co-operation between an employer and worker (including a person employed through a contractor) whether or not any capital has been invested for the purpose of such activity, or such activity is carried on with a motive to make any gain or profit, and includes any activity of the Government or a local authority, but does not include — (i) any activity of the Government relatable to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic energy and space; (ii) any domestic service; (iii) any activity, being a charitable, social or philanthropic service, carried on by a body, not being a corporation or company or a cooperative society or a society…”*

In Simple Terms: Three things must be present for an activity to be an “industry”:

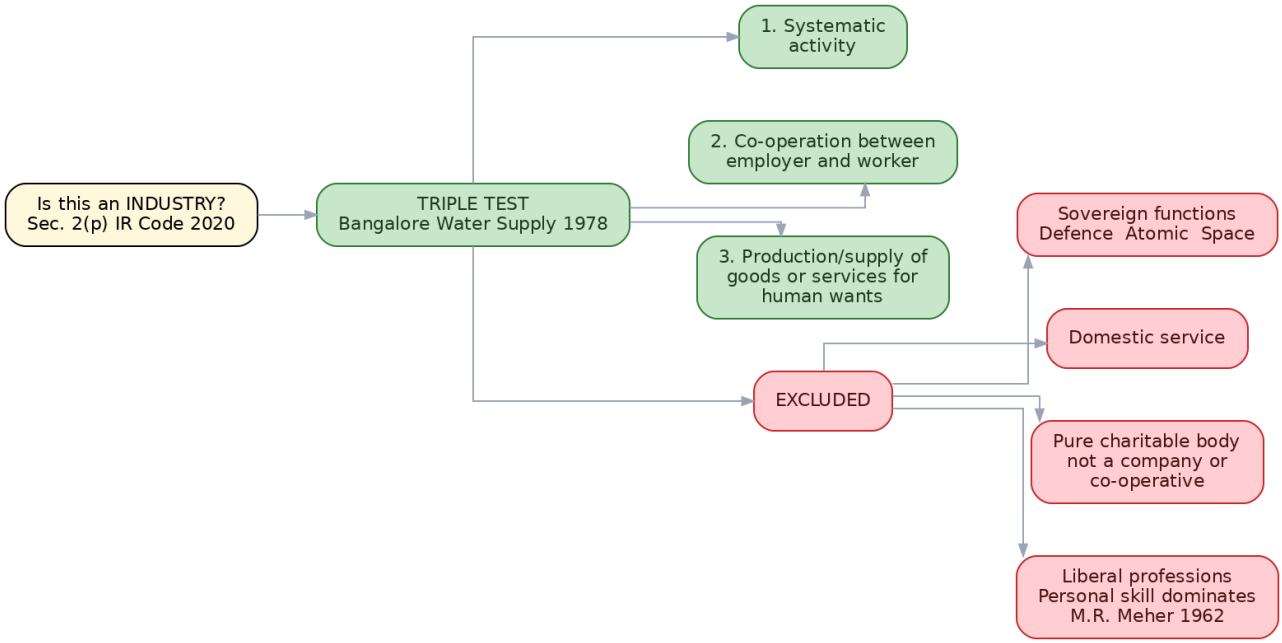
1. **Systematic activity** — organised, continuous, not casual.
2. **Co-operation between employer and worker** — both must exist and work together.
3. **Production, supply or distribution of goods or services** to satisfy human wants (not purely spiritual/religious wants).

Profit motive, capital investment, and the legal character of the employer are **irrelevant**.

Express exclusions: purely sovereign functions (defence research, atomic energy, space), domestic service, and pure charitable/philanthropic bodies.

The liberal professions exception: In *National Union of Commercial Employees v. M.R. Meher (1962)*, the Supreme Court held that a **solicitors’ firm is NOT an industry** because its service rests essentially on the personal professional skill of the lawyer. *Bangalore Water Supply* approved this exception.

The Visual



Case Laws

- ***Bangalore Water Supply & Sewerage Board v. A. Rajappa (1978)*** — 7-judge bench; Triple Test; held hospitals, clubs, educational institutions can be “industry.”
- ***State of Bombay v. Hospital Mazdoor Sabha (1960)*** — a government hospital = industry.
- ***University of Delhi v. Ram Nath (1963)*** — education held NOT an industry (narrow ratio later limited by *Bangalore Water Supply*).
- ***D.N. Banerji v. P.R. Mukherjee (1953)*** — a municipality’s non-sovereign functions = industry.

- ***National Union of Commercial Employees v. M.R. Meher (1962)*** — solicitors' firm NOT an industry (liberal professions exception).
- ***Madras Gymkhana Club v. Management (1968)*** — members-only club run for self-service = NOT an industry.
- ***Management of Safdarjung Hospital v. Kuldip Singh Sethi (1970)*** — hospital as industry narrowed by dominant-purpose test; later overruled by *Bangalore Water Supply*.
- ***State of U.P. v. Jai Bir Singh (2005)*** — 5-judge bench referred *Bangalore Water Supply* to a larger bench (still pending); but the Triple Test is now **statutory** under Sec. 2(p), so the referral does not unsettle the law.

16-MARK ESSAY BLUEPRINT

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Open with the 1978 seven-judge bench; state the answer covers the Triple Test, the statutory definition, exclusions, and hospital/university analysis.*
- ***STAGE 2 ⟶ Statutory Definition (Sec. 2(p)):*** *Quote the section; three elements of the Triple Test; profit and capital are irrelevant.*
- ***STAGE 3 ⟶ Exclusions & Liberal Professions:*** *Sovereign functions, domestic service, pure charities; M.R. Meher professions exception.*
- ***STAGE 4 ⟶ Hospital and University Cases:*** *Hospital Mazdoor Sabha (hospital = industry); University of Delhi (education generally not); Bangalore Water Supply broadening; Safdarjung overruled; Jai Bir Singh referral.*
- ***STAGE 5 ⟶ Verdict:*** *"The IR Code 2020 codifies the Triple Test, settling most definitional uncertainty in statute. A hospital is generally an industry; a university depends on its dominant purpose."*

⚠ FACT-PATTERN RISK ALERT

Scenario: *A Chartered Accountancy firm with 70 employees faces a bonus dispute. The employer objects that the government reference is improper because he does not run an "industry." Decide.*

- ***I — ISSUE:*** *Is a professional CA firm an "industry" under Section 2(p), IR Code, so that its employees can raise an industrial dispute?*
- ***R — RULE:*** *Section 2(p), IR Code — Triple Test (systematic, co-operation, goods/services). M.R. Meher (1962) — liberal professions where service depends on personal professional skill are NOT industry. Bangalore Water Supply (1978) — where an establishment is commercially organised at scale, even a professional set-up can be industry.*
- ***A — ANALYSIS:*** *The CA firm is systematic, has employer–worker co-operation, and provides accounting services. Facially it satisfies the Triple Test. But under M.R. Meher, if the service rests essentially on the partners' personal professional skill (as in a solicitors' firm), it is not industry. However, with 70 employees doing substantial routine work, a large CA firm may cross into organised commercial service territory.*
- ***C — CONCLUSION:*** *If the dominant character is personal professional skill → NOT industry (M.R. Meher). If organised on commercial scale with routine operational workforce → IS industry (Bangalore Water Supply qualification). Either conclusion is acceptable if clearly reasoned. The employer's objection may or may not succeed depending on the dominant character of the firm.*

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6. Industrial Dispute vs Individual Dispute

Previous Year Questions

- ***[16M]*** *“What is ‘Industrial Dispute’? Explain the essential requisites of Industrial Dispute.” (Jun 2025 — 100-mark paper, Q.2; Nov 2021 — 100-mark Q.2; Apr 2021 — 100-mark Q.1)* ← ***[16M] — repeated in multiple 100-mark papers***
- ***[10M → 16M]*** *Define ‘Industrial Dispute’. When does an individual dispute become an industrial dispute? Explain with decided cases. (Feb 2025, Jun 2025, Aug 2024, Jan 2026 — 80-mark; Dec 2014, Jan 2012 — 100-mark)*
- ***[10M → 16M]*** *“What is Individual Dispute? When does an individual dispute become an industrial dispute?” (Jan 2026 — 80-mark, Unit II Q.a)*
- ***[6M]*** *Write a short note on individual dispute vs industrial dispute. (Jun 2014 — 100-mark)*
- ***[Problem]*** *One worker is dismissed — is his dispute industrial? (Jun 2013 — 100-mark)*

The Hook

One workman is dismissed. He alone is angry. He walks into the union office and asks for help. The union politely declines. Can he still take his employer to the Labour Court? For decades the answer was **no** — unless his cause was “espoused” [taken up] by a union or a substantial body of co-workers. Then Parliament added Section 2-A to the old ID Act (now folded into Section 2(q) of the IR Code) — a provision specifically for individual dismissal disputes. That one subsection changed the lives of millions of individually dismissed workers.

The Concept

> ***Section 2(q), IR Code 2020:*** *“‘industrial dispute’ means any dispute or difference between employers and employers or between employers and workers or between workers and workers which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person and* ***includes any dispute or difference between an individual worker and an employer connected with, or arising out of discharge, dismissal, retrenchment or termination*** *of such worker.”*

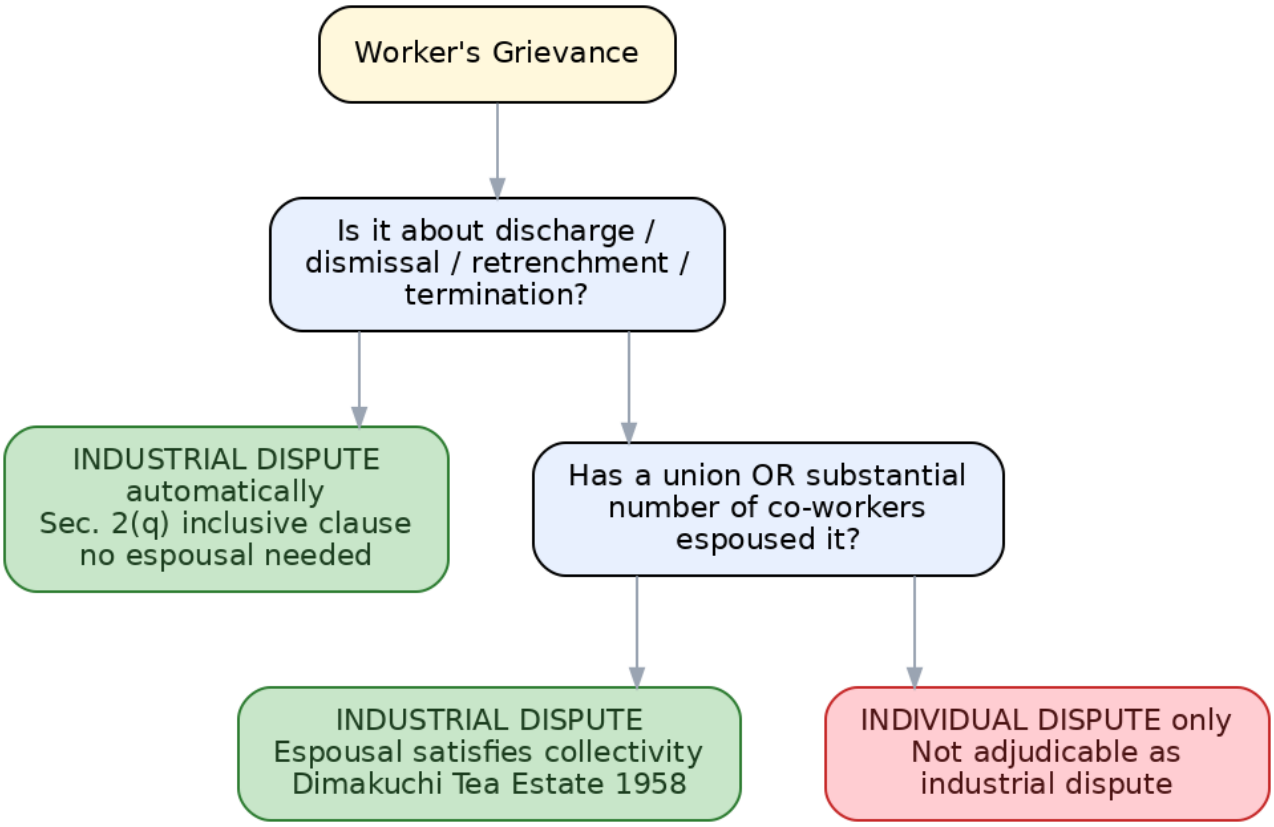
Essential ingredients of an industrial dispute: 1. A **dispute or difference** — not merely a difference of opinion, must be real and substantial. 2. Between **recognised parties** — employer–worker, worker–worker, or employer–employer. 3. Connected with **employment, non-employment, terms of employment, or conditions of labour**. 4.

Collective in character — normally espoused by a union or substantial number of workmen sharing a “community of interest.”

When does an individual dispute become industrial? - **General rule:** Only when a **union or a substantial number of co-workers espouse it** (*Workmen of Dimakuchi Tea Estate, 1958*). - **Exception:** A dispute over an individual’s **discharge, dismissal, retrenchment or termination** is treated as an industrial dispute *automatically*, without requiring any espousal (old Section 2-A, now in Section 2(q) of IR Code).

In Simple Terms: For everyday grievances (wage difference, leave denial, transfer), one worker alone cannot raise an industrial dispute — he needs collective backing. But for **dismissal and retrenchment**, any single worker can directly approach the Labour Tribunal. This is the only case where an individual dispute = an industrial dispute by statute.

The Visual



Case Laws

- ***Workmen of Dimakuchi Tea Estate v. Management (1958)*** — laid the “community of interest” / “substantial number” test for espousal; a union must espouse to make it industrial.
- ***Central Provinces Transport Service v. Raghunath Gopal Patwardhan (1957)*** — an individual dispute is not industrial unless taken up by the body of workmen.

- ***Newspapers Ltd. v. State Industrial Tribunal (1957)*** — espousal by the union converts an individual into an industrial dispute.
- ***Bombay Union of Journalists v. The Hindu (1961)*** — espousal must be by the workmen of *that* establishment (or their union) before reference; clarified who can validly espouse.

16-MARK ESSAY BLUEPRINT

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Open with the story of one dismissed worker; state the answer covers definition, essentials, the espousal requirement, and the Sec. 2-A exception.*
- ***STAGE 2 ⟶ Statutory Definition (Sec. 2(q)):*** *Quote the section; four ingredients; collective nature is the key.*
- ***STAGE 3 ⟶ Espousal Rule:*** *Community of interest (Dimakuchi Tea Estate); union or substantial number; who can espouse (Bombay Union of Journalists).*
- ***STAGE 4 ⟶ The Section 2-A Exception:*** *Dismissal, discharge, retrenchment, termination = industrial dispute without espousal; critical for individual worker justice; Central Provinces Transport for contrast.*
- ***STAGE 5 ⟶ Verdict:*** *"The collectivity requirement balances the dispute machinery against personal grievances; the Section 2-A/2(q) exception carves out a worker-friendly remedy for the worst outcome — job loss."*

⚠ FACT-PATTERN RISK ALERT

Scenario: *A, a single workman, is dismissed for alleged misconduct. His union refuses to espouse his cause. A files an application before the Labour Tribunal claiming the dismissal is illegal. The employer argues the Tribunal has no jurisdiction because there is no industrial dispute.*

- ***I — ISSUE:*** *Can A's individual dismissal dispute be adjudicated as an industrial dispute without union espousal?*
- ***R — RULE:*** *Section 2(q), IR Code 2020 — the inclusive clause treats any dispute arising out of "discharge, dismissal, retrenchment or termination" of an individual worker as an industrial dispute, without needing union espousal. This carries forward old Section 2-A, ID Act 1947.*
- ***A — ANALYSIS:*** *The employer's decoy is the general rule requiring espousal. The specific inclusive clause of Section 2(q) overrides this: A's dispute directly arises from his dismissal. The Tribunal has jurisdiction. The union's refusal to espouse is irrelevant for dismissal disputes.*
- ***C — CONCLUSION:*** *The Tribunal has jurisdiction. A can raise his dismissal as an industrial dispute. The employer's objection fails.*

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7. Worker, Employer & Appropriate Government

Previous Year Questions

- ***[16M]*** *"Explain the definition of 'Appropriate Government' under the Industrial Disputes Act, 1947, with reference to decided cases." (Jun 2025 — 100-mark paper, Q.1; Nov 2021 — 100-mark Q.1)* ← ***[16M] — repeated***
- ***[10M → 16M]*** *Explain the term 'Workman'/'Worker'. Distinguish from an independent contractor. "All workmen are employees but all employees are not workmen." (Nov 2022, Mar 2022 — 80-mark; Dec 2014, Jun 2013, Jan 2012 — 100-mark)*
- ***[6M → explore at 16M]*** *Write a short note on 'Appropriate Government' with decided cases. (Feb 2025, Jun 2012 — 80-mark)*
- ***[6M]*** *Write a short note on 'workman' under the Industrial Disputes Act, 1947. (Jan 2026 — 80-mark, Unit I Q.b)*
- ***[6M]*** *Distinguish 'Worker' from 'Employee'.*
- ***[6M]*** *Government power of reference under Sec. 10 of ID Act / IR Code. (Feb 2025 — 80-mark)*

The Hook

A factory supervisor earning ₹25,000 a month is dismissed. He claims he is a "worker" and files a case before the Labour Tribunal. The employer objects — the supervisor is managerial staff, not a "workman." Who is right? The answer hangs on the precise statutory definition, which draws the line at the nature of duties and the pay ceiling. Labour law lives and dies on these three definitions — Worker, Employer, Appropriate Government — because they decide *who* is protected, *who* must comply, and *which* government may refer a dispute.

The Concept

Worker [Section 2(zr), IR Code 2020] (old Section 2(s), ID Act 1947):

> *"worker means any person (other than an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or **supervisory** work for hire or reward, whether the terms of employment be express or implied, and includes working journalists and sales promotion employees; **but does not include** any such person — (i) who is subject to the Air Force Act, 1950 or the Army Act, 1950 or the Navy Act, 1957; or (ii) employed in the police service or as an officer or other employee of a prison; or (iii) employed mainly in a **managerial or administrative** capacity; or (iv) who, being employed in a **supervisory capacity**, draws wages exceeding **eighteen thousand rupees per month** or exercises, either by the nature of duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."*

In Simple Terms — the key exclusions: Managerial/administrative staff, and high-paid supervisors (over ₹18,000/month), are **employees** but NOT **workers**. Only a "worker" can raise an industrial dispute.

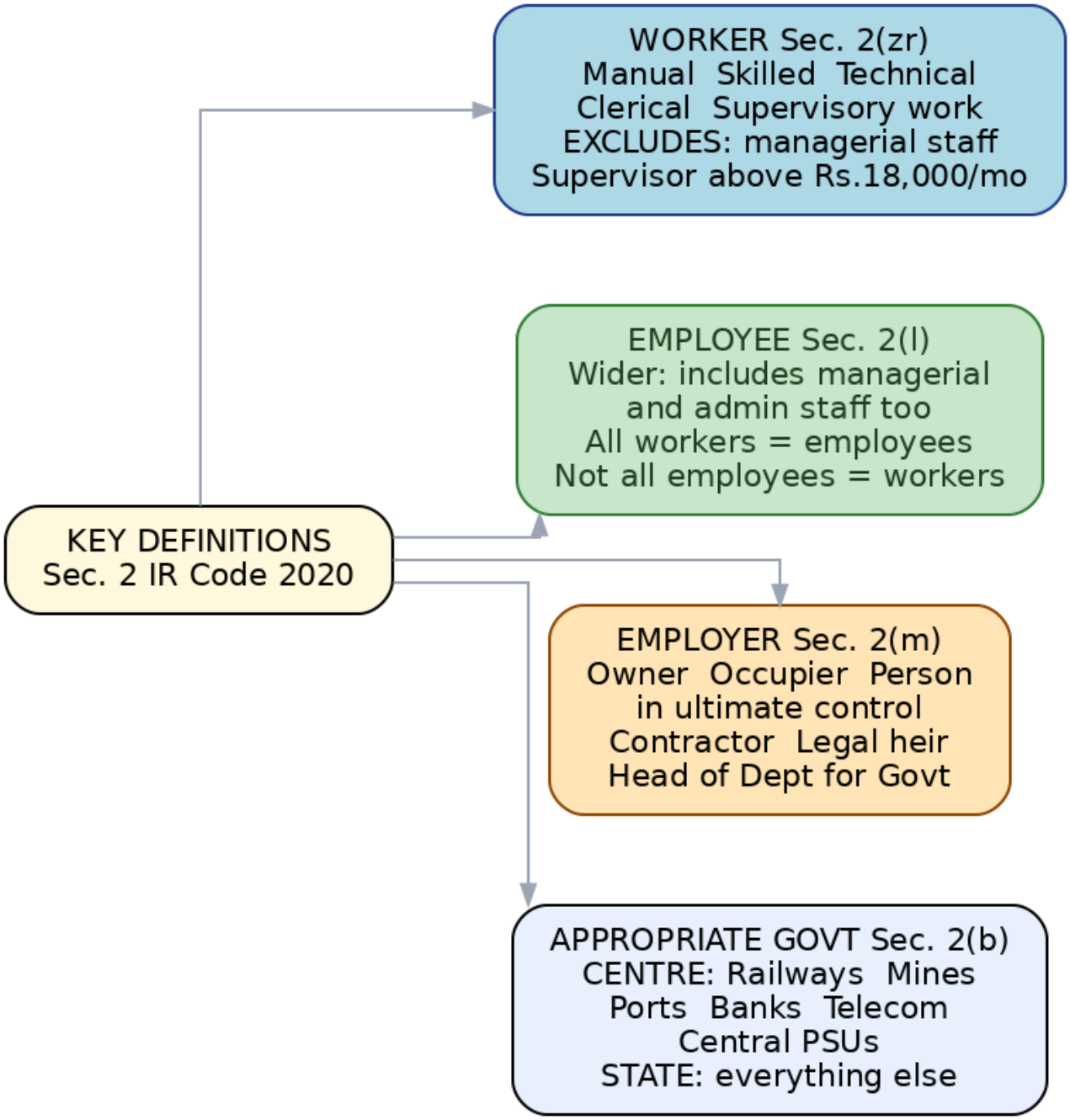
Employee [Section 2(l), IR Code]: Wider term; includes managerial and administrative staff. All workers are employees; not all employees are workers.

Employer [Section 2(m), IR Code]: Includes the owner, the occupier of the factory, the person in ultimate control, the contractor, the legal representative of a deceased employer, and (in government establishments) the head of the department.

Appropriate Government [Section 2(b), IR Code]: - **Central Government** — for: railways, metro railways, mines, oil fields, major ports, air transport, telecom, banking, insurance companies, companies in which the Central Govt holds ≥51% paid-up capital, and Central PSUs. - **State Government** — for all other industrial establishments.

Test for Worker vs Independent Contractor: ***Control and supervision test*** — a workman works under the employer's control (contract *of* service); an independent contractor controls his own manner of work (contract *for* service).

The Visual



Case Laws

- ***Dharangadhara Chemical Works v. State of Saurashtra (1957)*** — control and supervision test: a workman works under employer's control; independent contractor decides his own manner of work.
- ***Hussainbhai v. Alath Factory Tezhilali Union (1978)*** — economic-reality test; courts pierce sham contracts to find the real employer.
- ***H.R. Adyanthaya v. Sandoz (India) Ltd. (1994)*** — medical/sales representatives are NOT workmen unless they do manual/clerical work; test = dominant nature of duties.

- ***Heavy Engineering Mazdoor Union v. State of Bihar (1969)*** — a government *company* is a separate entity; government ownership ≠ Central Government control; State may be appropriate government even for a Central PSU depending on facts.
- ***Hindustan Aeronautics Ltd. v. Workmen (1975)*** — appropriate Government depends on whether the industry is carried on *by or under the authority of* the Centre, a question of fact.

16-MARK ESSAY BLUEPRINT

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Open with the supervisor's dilemma; state the answer covers all three definitions — Worker, Employer, Appropriate Government.*
- ***STAGE 2 ⟶ Worker (Sec. 2(zr)):*** *Six categories of work; inclusions (journalists, sales-promotion); exclusions (managerial, armed forces, high-paid supervisor). The ₹18,000 line.*
- ***STAGE 3 ⟶ Worker vs Employee vs Independent Contractor:*** *Employee (Sec. 2(l)) is wider; contract of service vs contract for service; control test (Dharangadhara); economic reality (Hussainbhai).*
- ***STAGE 4 ⟶ Employer and Appropriate Government:*** *Sec. 2(m) — occupier, contractor, head of dept; Sec. 2(b) — Centre vs State list; Heavy Engineering distinction.*
- ***STAGE 5 ⟶ Verdict:*** *"Precision in these definitions is not academic — only a 'worker' can raise an industrial dispute, and the 'appropriate government' determines which forum has jurisdiction."*

⚠ *FACT-PATTERN RISK ALERT*

Scenario: *X is a sales promotion employee of a pharmaceutical company. He promotes drugs to doctors, attends company meetings, and reports to a regional manager. His employer argues he is an "independent contractor" and not a "workman." Decide.*

- ***I — ISSUE:*** *Is a sales promotion employee a "worker" under Section 2(zr), IR Code?*
- ***R — RULE:*** *Section 2(zr) — "worker" expressly* ***includes*** *sales promotion employees. H.R. Adyanthaya v. Sandoz (1994) — whether a sales representative is a workman depends on the dominant nature of duties. Hussainbhai — economic reality test to pierce sham contract labels.*
- ***A — ANALYSIS:*** *The IR Code's definition of "worker" expressly includes sales promotion employees. The employer's decoy is the "independent contractor" label, but X works under the company's direction, attends meetings, reports to management — all signs of a contract of service. Hussainbhai pierces the label.*
- ***C — CONCLUSION:*** *X is a "worker" under Section 2(zr). The employer's objection fails. X can raise an industrial dispute.*

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8. Arena of Interaction — The Tripartite Framework

Previous Year Questions

(No direct 16M question from the Jun 2025 100-mark paper — prepare the 10M questions below at ***16M depth*** *for the new exam format.)*

- ***[10M → 16M]*** *Explain the Arena of Interaction and identify the key Participants in Industrial Relations — Industry, Worker and Employer.* □□
- ***[6M]*** *Write a short note on the tripartite nature of industrial relations.* □
- ***[6M]*** *Explain 'Employer' with its wide meaning under the IR Code.* □

The Hook

Industrial relations is never a two-way street between worker and employer. The moment a dispute arises, a third party enters — the State. Sometimes the State acts as **conciliator** (bringing parties to settlement), sometimes as **adjudicator** (giving a binding award), and sometimes as **legislator** (writing the rules that apply regardless of what either party

wants). This three-cornered relationship is the “arena of interaction,” and understanding it explains *why* labour law is structured the way it is.

The Concept

> ***S.C. Srivastava, Industrial Relations and Labour Law:*** *“Industrial relations is the web of relationships among workers, management and the State, woven around the workplace.”*

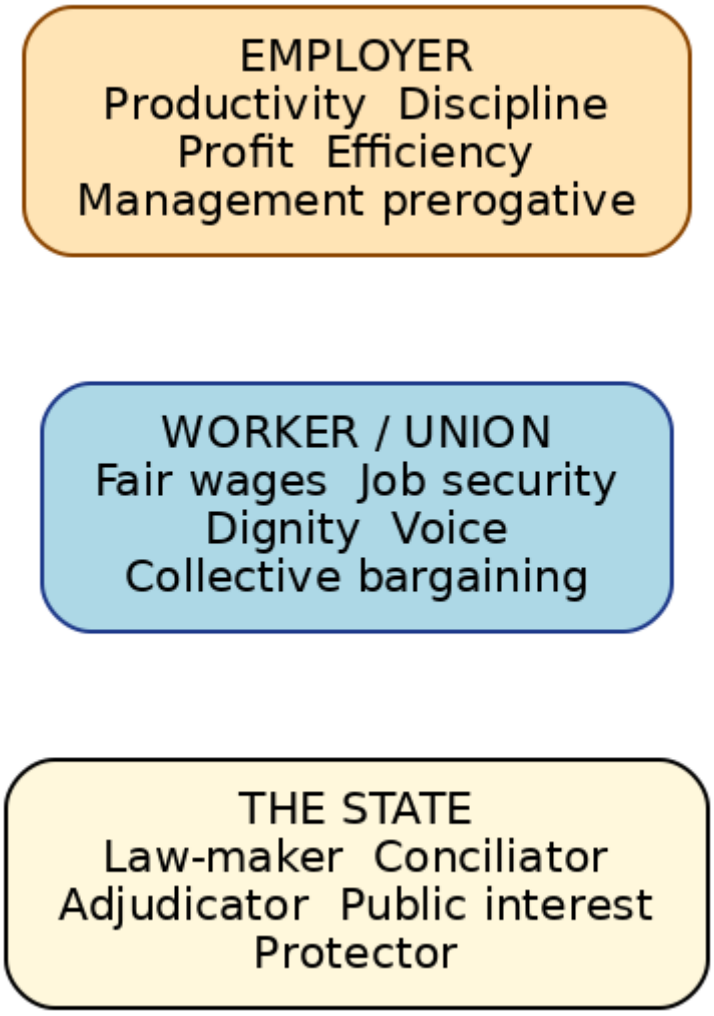
The three participants and their interests:

Participant	Primary Interest	Tools Available
Worker / Trade Union	Fair wages, job security, safe conditions, dignity	Collective bargaining, strike, conciliation
Employer	Productivity, efficiency, discipline, profit	Lock-out, disciplinary action, management prerogative
State	Industrial peace, public interest, social justice	Legislation, conciliation, adjudication, reference

The “industry” as the arena: The workplace / industry is where these three participants meet and interact. Every provision of the IR Code — from the Works Committee at one end to the National Industrial Tribunal at the other — is a device for managing this three-way interaction.

In Simple Terms: The healthy functioning of industrial relations depends on all three participants playing their roles honestly. The State holds the ring — setting the minimum rules so that neither side can exploit the other. Healthy industrial relations means production continues, workers are fairly treated, and disputes are quickly settled.

The Visual



Case Laws

- ***Workmen of Dimakuchi Tea Estate v. Management (1958)*** — the collective nature of industrial relations; community of interest.
- ***Rohtas Industries Ltd. v. Its Staff Union (1976)*** — the IR Code is a complete code for the industry arena; employer claims for strike losses have “no place” in it.

16-MARK ESSAY BLUEPRINT

- ***STAGE 1 ⟶ Hook + Roadmap:*** *Open with the tripartite image — three parties in a ring; state the answer covers each participant's role and the arena concept.*
- ***STAGE 2 ⟶ Worker / Trade Union:*** *Goals, tools, limits (right to form union vs no absolute right to strike — AIBEA).*
- ***STAGE 3 ⟶ Employer:*** *Goals, managerial prerogative, standing orders, disciplinary power.*
- ***STAGE 4 ⟶ The State:*** *Legislator (IR Code, Code on Wages), conciliator (Sec. 43), adjudicator (Sec. 44, 46); holds public interest as overriding concern.*
- ***STAGE 5 ⟶ Verdict:*** *"The arena of interaction shows that labour law is not bilateral but tripartite — the State is always in the room, setting the floor of fairness below which neither party can go."*

FACT-PATTERN RISK ALERT

Scenario: *Workers in a private bank go on strike demanding a 40% wage rise. The bank is a "public utility" under the IR Code. They give no prior notice and call the strike immediately.*

- ***I — ISSUE:*** *Is the strike in a public utility service without notice lawful?*
- ***R — RULE:*** *Section 62, IR Code 2020 — no strike without a notice of strike given within 60 days before striking; strike cannot be called within 14 days of notice or during pendency of conciliation. Section 63 — a strike in breach of Section 62 is* ***illegal****. The IR Code extends these notice requirements to ALL establishments (not just public utilities as under the old IDA).*
- ***A — ANALYSIS:*** *The workers called the strike without any notice — directly breaching Section 62. In a bank (a public utility), the breach is even more serious. The State (appropriate government) has the power to prohibit such a strike.*
- ***C — CONCLUSION:*** *The strike is* ***illegal*** *under Section 63. The workers are exposed to disciplinary action. This illustrates the State's role in the arena of interaction — setting boundaries that protect the public interest.*

Quick Revision & Case Law Table

One-line memory hooks

- **Evolution:** Three phases — Laissez-faire → Welfare State (44 Acts) → Four Codes (29 laws merged). Key driver: Second NCL 2002.
- **Master–Servant departure:** Six factors — bargaining inequality, trade unions, welfare State, Constitution (Arts. 23/39/42/43), ILO, industrial jurisprudence.
- **ILO:** 1919, tripartite, C-100/111/138/182 ratified; C-87/98 NOT ratified.
- **Constitutional framework:** FRs (Arts. 14, 16, 19, 21, 23, 24) enforceable; DPs (Arts. 38, 39, 41–43A) guiding; courts bridge via Art. 21.
- **Four Codes:** Code on Wages 2019, IR Code 2020, CoSS 2020, OSH Code 2020.
- **Industry (Triple Test):** Systematic + Employer-Worker co-operation + Goods/Services for human wants. Profit irrelevant. Exclusions: sovereign, domestic, pure charities, liberal professions.
- **Industrial Dispute:** Must be collective (espousal rule — *Dimakuchi Tea Estate*). Exception: dismissal/retrenchment = industrial dispute automatically (old Sec. 2-A → now Sec. 2(q)).
- **Worker:** Sec. 2(zr) — manual/skilled/technical/clerical/supervisory; excludes managerial and supervisors over ₹18,000/mo.
- **Appropriate Govt:** Centre = railways, mines, ports, banks, telecom, central PSUs; State = everything else.
- **Tripartite arena:** Worker + Employer + State interact in the Industry; State holds the ring for public interest.

Master Case List for Unit I

Case	Topic	One-line ratio
Bangalore Water Supply v. A. Rajappa (1978)	Definition of Industry	Triple Test; hospitals, clubs, educational institutions can be industry
State of Bombay v. Hospital Mazdoor Sabha (1960)	Industry	Government hospital = industry
National Union of Commercial Employees v. M.R. Meher (1962)	Industry	Solicitors' firm = NOT industry (liberal professions exception)
D.N. Banerji v. P.R. Mukherjee (1953)	Industry	Municipality's non-sovereign functions = industry
State of U.P. v. Jai Bir Singh (2005)	Industry	Triple Test referred to larger bench; still pending but statute settles the law
Workmen of Dimakuchi Tea Estate v. Management (1958)	Industrial Dispute	Community of interest test; substantial espousal needed
Central Provinces Transport v. Patwardhan (1957)	Industrial Dispute	Individual dispute not industrial without espousal
Bombay Union of Journalists v. The Hindu (1961)	Industrial Dispute	Espousal must be by workers of that establishment
Dharangadhara Chemical Works v. Saurashtra (1957)	Worker	Control and supervision test for workman vs contractor
Hussainbhai v. Alath Factory	Worker	Economic-reality test; sham contractor labels pierced

Case	Topic	One-line ratio
Tezhilali Union (1978)		
H.R. Adyanthaya v. Sandoz (India) Ltd. (1994)	Worker	Sales representative = workman only if dominant duty is manual/clerical
Heavy Engineering Mazdoor Union v. Bihar (1969)	Appropriate Government	Government company ≠ Central Govt; ownership ≠ control
People's Union for Democratic Rights v. UOI (1982)	Constitutional Framework	Non-payment of minimum wage = forced labour under Art. 23
Bandhua Mukti Morcha v. UOI (1984)	Constitutional Framework	Bonded labour = violation of Art. 21 (right to life with dignity)
Randhir Singh v. UOI (1982)	Constitutional Framework	Equal pay for equal work enforceable under Arts. 14, 16, 39(d)
Olga Tellis v. Bombay MC (1985)	Constitutional Framework	Right to livelihood = part of Art. 21
All India Bank Employees' Assn v. NIT (1962)	Trade Union / Constitution	Art. 19(1)(c) guarantees right to form union, NOT absolute right to strike
Rohtas Industries v. Staff Union (1976)	Tripartite arena	IR Code is a complete code; employer cannot recover strike losses in tort

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End of Unit I.
