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A STUDY ON JUDICIAL ATTITUDE TOWARDS TRADE UNIONS AND INDUSTRIAL RELATIONS

Mr. Alok Shankar Mudgal
Research Scholar
Department of Law
J.S. University, Shikohabad (Firozabad), U.P.

Dr. Jayendra Singh Rathore
Dean
Department of Law
J.S. University, Shikohabad (Firozabad), U.P.

ABSTRACT

In this paper the researcher find out the judicial attitude towards trade unions and industrial relations. The judicial attitude towards trade unions and industrial relations can be summed up to be pragmatic and realistic. It has a neutral and balanced approach and can be said to agree with the spirit of the law. The phase was marked by judicial activism. Social justice and welfare of workers were given supremacy and the laws were interpreted based on reasoning and conscience. Researcher concluded that, the judiciary has shifted from its previous approach and there is an attitudinal shift. The industries are put on a fast track in tune with the global economy as is evident from the latest judgments.

Keywords: Judicial approach, social justice, judicial attitude towards-inter union, intra union

INTRODUCTION

Courts are regarded as the third pillar of democracy in Indian philosophy. Social justice is intended to be established by Court judgements, which is otherwise the role of lawmakers through legislation, but because they fail to do so, the final recourse is the invocation of judicial authorities. As we all know, workers as an entity lack the necessary negotiating power; it was for this reason alone that trade unions were formed, which were organisations specifically formed to bargain on behalf of workers. Even now, there is little alteration in the condition of workers, who are still oppressed by their bosses. As a result, when employees are unable to express their demands, trade unions come to their aid by providing financial assistance or standing by them when they seek rights from employers. Because trade unions serve to stabilise the relationship between employees and employers, it is worth noting that court rulings serve a similar purpose in the growth of industrial relations. A sound Court judgment on any issue of labour dispute can serve as a watershed moment in the construction of optimal industrial relations, even if it causes temporary disruption in the industrial setup. This is especially important since, when issuing a decision, the judiciary must typically weigh the interests of the employer, workers, trade unions, and the state.

The current study will examine how court rulings have aided in the formation of solid industrial relations.

A voluntary tripartite step was made at the '15th Session of Indian Labour Conference' in 1955 to enhance industrial relations and boost the trade union movement. During this session,

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the 'Code of Discipline' was developed, which was subsequently confirmed by a subcommittee in March 1958 and endorsed during the 16th session of the Indian Labour Conference. The Code of Discipline is entirely voluntary and has no legal force. Management is required by the Code of Discipline Clause 3(vii) to recognise unions and groups. The Code of Discipline is a non-legal, non-legislative, and entirely voluntary Code of Discipline. The Code's purpose is to ensure industrial peace and order; to avoid production stoppages; to promote healthy criticism between management and workers; to settle grievances and disputes mutually; to prevent litigation; to ensure the growth of unions and associations; and to eradicate force, fraud, threats, and violations of industrial relations rules.

According to the Code, a union can proclaim itself as a representative union in the industry, establishment, or within a specific region provided it has at least 25% of total membership; however, if there is only one union, the needed membership is not required. In an industry with more than one union, the union with the most members is to be recognised, provided that such trade union has been in existence for at least one year and has not violated the Code in the previous year. A union can also claim recognition under the Code if it has served for at least two years after being recognised under the Code. For a union to claim majority status, it must have at least 15% membership in that institution, however this is not required in the event of a single union in a factory.

As a result, a representative union typically represents workers in all establishments of a particular industry; however, when workers of a specific establishment hold more than 50% membership in the representative union, such representative union will be required to take a local interest in handling the grievances of such workers who belong to a specific establishment. Workers' membership in a union is determined by the subscription fee paid by the workers in the three months before the computation of membership. A union that meets all of these requirements should first seek that the management/organization employer's recognise it under the Code. When management declines a request for recognition, it may seek the aid of the relevant implementing authority. [1]

J. Mukharji of the Calcutta High Court ruled in A.C. Mukherjee v. Union of India and Others that because the Constitution does not recognise the creation of trade unions under the Fundamental Rights, recognising or derecognising a union is a private action under the Code of Discipline. [2] The Code of Discipline has no legal power and does not grant the appellants the right to demand recognition or to complain about denial of recognition. Because the Code of Discipline is not legislative, violating it does not fall under the jurisdiction of Article 226 of the Indian Constitution. In the case of the Tamil Nadu Electricity Board v. The Tamil Nadu

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Electricity Board Accounts and Executive Staff Union, J. Ismail of the Madras High Court ruled that the Code of Discipline in the Industry is not statutory. [3]

In Neyveli Lignite Corporation Labour and Staff Union v. Management of Neyveli Lignite Corporation Ltd., J. Sundaram, the Court stated that there is no statutory provision dealing with the recognition or de-recognised of a workers' union. It is only the Code of Discipline in a sector that considers union recognition. [4]

J. Rao expressed similar sentiments in Dr. Reddys Formulations Techops-II, Chandanagar, Hyderabad v. The Government of Telangana. [5]

These rulings demonstrate that the Code of Discipline is non-statutory in character and is simply a voluntary arrangement between management and trade unions. Article 226 of the Constitution is not invoked simply by refusing to follow the Code. Because the Code of Discipline is not voluntary and non-statutory, union recognition is at the whim of the employer, who may or may not recognise a minority or a puppet union, leaving the trade union movement weak and reliant on the employer's discretion.

INDUSTRIAL JURISPRUDENCE

Initially, the Supreme Court limited its competence to the interpretation of labour legislation within the scope of industrial laws. In the cases of J.K. Iron and Steel Co. Ltd v. Iron and Steel Mazdoor Union[6] and Punjab National Bank Ltd v. Industrial Tribunal, the same conclusion may be drawn. [7] According to J Bose and J Dass, a 'Tribunal's judgement must be founded on established principles and not solely on conceptions of social justice or necessity to protect workers' interests. In Niemla Textile Finishing Mills Ltd. v. Second Industrial Tribunal, [8] J. Bhagwati said 'the purpose of industrial adjudication is to promote the growth and advancement of the national economy and industrial peace'.

J. Hidayatullah ruled in Rashtriya Mill Mazdoor Sabha v. Appollo Mills Ltd that the idea of social justice is not derived from contractual ties and so cannot be applied to the basis of contract of service. [9] It violates these standards and is relied upon to perform justice without the support of a contract.' When discussing social justice, it is not necessarily necessary that rationality and fairness result in the convenience of either party. Because the concept of social justice is based on socioeconomic equality, it is neither pedantic nor favours only one side. As a result, a more pragmatic strategy should be used to address the labor-capital conflict by providing equitable opportunity. [10]

As a result, the Supreme Court took a practical and pragmatic approach, and an endeavour was made to evolve precedents while keeping the needs of society in mind. In

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Standard Vacuum Refining Company of India v. According to J. Gajendragadkar of Workmen & Ors., the notion of industrial peace implies the existence of understanding, partnership, and cooperation between employees and employers. [11] The government must develop a friendly connection between employees and employers. Justice Gajendragadkar was one of several who fought tirelessly to improve the legal position of the have-nots. The notion of a welfare state is anchored in national growth, rendering the conventional concept of laissez-faire outmoded. In the case of M/s. J. K. Cotton Spinning and Weaving Mills Co. Ltd v. The Labour Appellate Tribunal of India, IIIrd Branch, Lucknow and others, J. Gajendragadkar upheld the view that social justice cannot be ignored when adjudicating industrial disputes and that the concept is not limited to industrial adjudication. [12]

It takes a broad approach. It was also recognised that industrial peace and social justice are inextricably linked, and that ensuring industrial peace is essential for social and economic fairness. In the case of Calcutta Port Shramik Union v. Calcutta R.T. Association, J. Venkataramiah, the Court stated that the ultimate goal of enacting the Industrial Disputes Act, 1947 and including provisions pertaining to dispute resolution is to foster industrial harmony and peace. [13]

Further in the case of Air India Statutory Corporation v. United Labour Union & Ors., J. Ramaswamy while emphasising the substance of Article 38 that supports social justice as it, 'sets a base of stability in the advancement of society and human beings. [14] Economic justice would imply the abolition of such economic sufferings as would eventually result in the abolition of economic value inequalities in society, as the concentration of wealth in the hands of a few is harmful to many. The goal of law should be to act as a tool for socioeconomic adjustment; it should be adaptable in order to achieve the desired socioeconomic revolution. Because the Constitution is the highest law based on the principles of equality and balance of power, the courts must also contribute to the establishment of an equitable economic and social order by interpreting the laws coherently'.

In an important decision of the Supreme Court, it was held that industrial relations not only concern the employer and employees but these impact society at large in the matter of Workmen of Bhurkunda Colliery of Central Coalfields Ltd v. Bhurkunda Colliery of Central Coalfields Ltd, J. Dalveer Bhandari stated that, it was realised by the Supreme Court that industrial harmony is the basis of a sound economy, it was held that 'the pursuit of industrial harmony becomes essential for economic progress of a nation.

The notion that a country's progress and prosperity are inextricably linked to technical improvement and industrial development may appear trite, yet it is accurate. Industrial

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harmony and its outcomes are important not just to employers and employees, but also to society as a whole. As a result, businesses and employees must remember that as responsible citizens, they must not disregard the interests of society as a whole. The goal of sustaining industrial harmony is to boost production, which leads to faster growth in the community as a whole, which is the true importance of the industrial harmony theory in three dimensions'.

It is obvious from the preceding decisions that the Supreme Court judges have emphasised the importance of social and economic fairness in their respective ways. The ultimate purpose is to safeguard the public interest. The notion of social justice is so firmly ingrained in legal interpretation that it was held in the case of S.M. Nilajkar et al. v. J. Lahoti, Telecom District Manager, Karnataka, believes that labour laws are helpful legislation that should be construed in favour of the beneficiaries.

As a result, while interpreting its terms, the advantage must unquestionably belong to the labour class, for the benefit of which labour legislation has evolved.

INTER-UNION RIVALRY OF UNIONS

Inter-union rivalry are one of the reasons for, and a key impediment to, the spread and flourishing of industrial peace and harmony. It is a social evil that has an influence on industrial relations, hurting employees' rights in general. J. Pendse concluded in the case of Mansukh Gopinath Jadhav v. W. M. Bapat that rivalry between unions have an influence on not just industrial peace but also collective bargaining and worker rights, and that this should be regarded seriously. [15]

In Workmen of Government Silk Weaving Factory, Mysore v. Presiding Officer, Industrial Tribunal, Bangalore & Others, J. Vaidialingam, the Supreme Court stated that a legitimate cause of employees in an enterprise cannot be hindered by a minority union or a limited number of workers. [16] In Padmanabhan Menon (T.K.) v. Indian Aluminium Co. Ltd and Others, J. Issac, the Indian Aluminium Company had three unions. Despite the resistance of two unions, a solution was made between one union and the company about bonus payment. [17]

According to the Kerala High Court, the right to organise an organisation is a fundamental right, and the existence of more than one union in each industry is normal, and each of these unions is entitled to advocate for the cause of the workers it represents. In Herbertson Ltd. v. The Workmen, Justice Goswami stated that it is not possible to review the settlement in its totality to separate the good from the bad based on the rival union's complaints. [18]

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This is an example of inter-union rivalry in which the importance of collective bargaining is tried to be diminished. Unless the competing union's claimed malafide or other ulterior motivation is shown, the settlement reached between the recognised union and the employer cannot be overturned. In the landmark decision of Balmer Lawrie Workers Union v. Balmer Lawrie Co. Ltd., J. Desai, the Supreme Court dismissed the rival union's petition and endorsed the notion of one union in one industry. [19]

INTRA-UNION RIVALRY OFUNIONS

The desire for prestige and power is the primary source of conflict among labour union office bearers. In Sanjeeva Reddy v. Registrar of Trade Unions, the Court noted that the Trade Unions Act lacks any particular provision that empowers the registrar to conduct an investigation when a statement of election of office bearers is provided to him. The true disagreement between the parties was over the selection of office bearers, in which the Registrar had no authority to intervene. [20]

In Kesoram Rayon Workman's Union v. Registrar, the court interpreted the Registrar's authority under sections 4, 5, and 6 of the Trade Unions Act. J. Basu, the Registrar of Trade Unions, ruled that the current trade union is an establishment with no right to be heard and that it cannot challenge the Registrar's order to register a rival trade union. [21]

An outsider can take the post of office bearer in a labour union without violating Article 19 (1)(c) of the Constitution. To discourage intra-union rivalry, Justice Tatchari of the Delhi High Court declared the settlement invalid because the signatories to the agreement were the union's President and Vice President, who were not expressly authorised to execute an agreement with the employer under the Union's Constitution or by the executive committee or the general body. [22]

In the case of North Eastern Railway Employees Union, Gorakhpur and others v. J. K.N. Singh, Registrar of Trade Union, U.P. Kanpur, found that the Registrar's competence to execute his responsibilities under section 28(3) of the Trade Unions Act, 1926 is an administrative duty and not a quasi-judicial function. [23]

J. Singh ruled in North Eastern Railway Mazdoor Union v. Registrar of Trade Union that the registrar's responsibility to record changes in office bearers is merely administrative and that the registrar has no quasi-judicial jurisdiction over intra-union conflicts. [24]

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DISCUSSION

Labour legislation dates back to the pre-independence era, when it was in its most basic form; nevertheless, it was only after independence that it was given fresh life, particularly with the founding of the Supreme Court. This is especially true with the Industrial Disputes Act of 1947. [25]

The courts, particularly the Supreme Court, have made significant contributions to the precedents created. This may be separated into three periods based on its choices about the ideas of industry, retrenchment, strike rights, contract labour, misbehaviour, and so on.

INDUSTRY

The definition of industry under section 2(j) of the Industrial Disputes Act of 1947 was broad, producing much uncertainty and ambiguity. In various situations, it was brought to the Supreme Court for interpretation. Certain establishments, such as clubs, professions, sovereign authority, hospitals, educational institutions, and so on, were excluded from the word industry throughout the initial period of growth. As a result, the Industrial Disputes Act of 1947 does not apply to a major portion of the workforce. During the Second Phase, the Supreme Court made significant contributions to the establishment of social-justice-oriented jurisprudence. [26]

This era was marked by the presence of judges such as Krishna Iyer, Chinappa Reddy, Desai who interpreted the Industrial Disputes Act vividly resulting in the landmark judgement given in the case of Bangalore Water Supply v. A. Rajappa, which gave a new approach of the judiciary on the concept of industry.[27]

It was in this instance that the triple test was established, which aided in assessing whether a certain institution was under the ambit of the industry as specified in section 2(j) of the Industrial Disputes Act, 1947. This view cleared up most questions about the sector and is still valid. This decision resulted in the Industrial Disputes (Amendment) Act, 1982, which redefined the definition of the industry; nevertheless, the Act was never implemented. However, the definition of industry was changed in the most current Industrial Relations Code, 2020 under section 2(p). [28]

However, in the third phase, which is situated in the age of liberalisation, privatisation, and globalisation, there was a shift in the judiciary's approach, which had previously been mostly labour focused. It can be seen in the decision of Coir Board, Ernakulum v. Indira Devi and Others, where the Court believed that the term industry had been given a broad

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interpretation in the Bangalore Water Supply case and that it should be reconsidered, but it was ultimately decided that the Bangalore Water Supply Case does not need to be reconsidered. [29]

With the implementation of liberalisation, it was felt by the judges that focusing solely on the benefit of workers would not be ideal, and thus, taking into account the changes brought about on the economic front, a five-judge constitution bench led by Chief Justice R.C Lahoti in the State of Uttar Pradesh v. Jai Bir Singh, expressed that wide interpretation to industrial laws should be given while keeping the interests of the employer and workers in mind. [30]

RETRENCHMENT

During the first part of the three historic decisions, the Supreme Court unanimously found that retrenchment was the discharge of superfluous labour. [31] Shiv Shankar Shukla v. A.D. Divikar was decided unanimously by J. Das[32] and J. Gajendragadkar in Ananpalle's case. [33]

Giving a liberal interpretation in these decisions, it was decided that retrenchment would occur only when labour is in surplus, which might be due to factors such as economic, the installation of new machinery, and rationalisation, among others, provided the essentials under the definition are met. [34]

The second stage was characterised by judicial activism. Justice Krishna Iyer invalidated the notion of precedent and reinterpreted the term 'retrenchment' in the issue of State Bank of India v. S. Sundarmoney. [35]

The Hon'ble Judge did not agree with the Court's previous judgements and concluded that retrenchment would mean the termination of employment of a worker engaged for a short term or temporary time and whose contract of service is for a limited length. [36]

As a result, in this and subsequent cases, retrenchment was broadly read to cover all types of termination save those that clearly fit within the definition's restrictions. The Court agreed with the finding in Sundarmoney's case and ruled such termination to constitute retrenchment in Santosh Gupta v. State Bank of Patiala. J. Chinappa Reddy remarked that 'retrenchment should cover all sorts of severance from employment of the worker by the employer untouched by the precedent'. [37]

As seen by the cases124 resolved in this phase, the current phase shows a shift in the preceding social justice-oriented approach. The judiciary is reverting to a pre-1970 age in which judges did not deviate from court rulings. They prioritised judicial discipline over their subjective beliefs and decided according to the text of the law.

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RIGHT TO STRIKE

It is a crucial right that workers have, and it may be used against management if the latter fails to address their concerns. In Kairbetta Estate v. Rajamanick, the Supreme Court declared that "in the conflict between capital and labour, the weapon of strike is accessible with the workforce". The right to strike has long been recognised, but not as an absolute right. J. Das Gupta held in Chandramala Estate v. Its Workmen that the right to strike is a weapon in the hands of workers, but it cannot be used arbitrarily and should be used sparingly when the workers have no other option. Before resorting to strike, other peaceful means of dispute resolution should be explored. [38,39]

The Supreme Court acknowledged the right to strike but stated unequivocally in Kameshwar Prasad v. State of Bihar that there is no Fundamental Right to Strike. However, J. Seervai feels that Kameshwar Prasad's case incorrectly resolved the notion of the right to strike and is harmful to the public, and hence it should be overruled. [40]

The Supreme Court's position on this right is clear in the second phase, as evidenced by its ruling in B.R. Singh v. Union of India. "The right to strike is a crucial weapon with the employees," it was said. It is a right gained through hard work and a tool for securing liberty. It is an inherent right of all employees, as stated in Article 41 of the Indian Constitution. There is no statutory provision that requires a worker to go on strike. [41]

In the third phase, judicial apathy is evident in the case of T.K. Rangarajan v. Government of Tamil Nadu, in which it was determined that government employees have no fundamental, statutory, equitable, or moral right to strike and that they cannot strike arbitrarily because it affects society at large. [42]

This decision demonstrates a growing tendency in Indian labour adjudication, as the Court withdraws its protective canopy from the labourers. This decision drew condemnation from numerous segments of society, particularly trade unions that represent employees.

PUBLIC INTEREST LITIGATION

Prior to the 1970s and 1980s, public interest litigation was unheard of, and courts strictly followed the text of the law. Judges like as Bhagwati and Krishna Iyer sought to liberally interpret statutes. With theadvent of judicial activism, the policy of public interest litigation was developed

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to provide relief to the downtrodden and weaker sections of the society by interpreting the laws innovatively especially Article 21, to give the right to life a wider meaning. [43]

PIL has been utilised successfully in the realm of industrial relations to improve workers' working conditions. In People's Union of Democratic Rights v. Union of India, the locus standi principle was modified in order to hear the petition submitted by PUDR on behalf of Asiad employees. [44]

In Bandhua Mukti Morcha v. Union of India, a fact-finding Commission was constituted to explore the social and legal elements of bonded labour in response to a letter complaining about the bonded labour system in Haryana. [45]

Concerned about child labourers in Sivakasi, Kamaraja District, Tamil Nadu State, a PIL was filed under Article 32 of the Indian Constitution, and the State government was instructed to establish a welfare fund for education and vocational purposes. [46]

Following that, the Supreme Court took a suo motu action in the case of M.C. Mehta v. State of Tamil Nadu, where news of an accident on the grounds of one of the Sivakasi factories was publicised. [47] In this instance, the Court introduced the notion of compensating jurisprudence. As a result, the Supreme Court may be regarded to have made a significant contribution to the construction of perfect industrial relations.

In the third phase, the Supreme Court is no longer as concerned with the labour class as it once was and has begun to revert to the pre-1970s period. [48]

CONTRACTUAL LABOUR

In the case of Air India Statutory Corporation v. Labour Union, a three-judge Bench noted that there is no clear provision under Section 10 of the Contract Labour (Regulation and End) Act, 1970 for the absorption of contract labour upon the abolition of the contract labour system. In the lack of such a provision, the Supreme Court has stepped in to fill the void created by the legislature. However, in Steel Authority of India Ltd. v. National Union Water Front Workers, a Constitution Bench of the Supreme Court delivered a landmark judgement that impacted the contract labour system, overruling the Air India case and denying the right of contractual labour to be absorbed on abolition contract labour system, created by judicial precedent. [49]

To compete in the worldwide market, the judgement allows employers to engage contract labour without any duty to absorb them after the contract expires. [50] The SAIL case was followed by the Municipal Corporation of Greater Mumbai v. K.V. Shramik Sangh and Others, in which the Apex Court overruled the High Court's order that contract labour be absorbed as direct employees of the Bombay Municipal Corporation as being inconsistent with the precedent

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established in the SAIL case. Recently, in the case of Bharat Coking Coal Ltd. v. Sudamdih Colliery, The judgement of the Industrial Tribunal deeming contract labourers to be workmen of the primary employer and giving relief, as represented by Rashtriya Colliery Majdoor Sangh, was affirmed by the Learned Single Judge and a Division Bench of the Patna High Court. [51]

Certain workers were determined to be employees of the appellant by the aforementioned decision. However, the Apex Court reversed the lower Court's decision, stating that the question was determined by the lower Court in light of the Air India case, which held precedent, but that this is no longer applicable in light of the SAIL case and that the matter has to be revisited by the High Court.

These decisions clearly demonstrate the judiciary's shift in approach when dealing with contractual labour issues.

MISCONDUCT

The Industrial Disputes Act, 1947, India's most significant statute governing industrial relations, contains no legislative definition of the term misconduct. As a result, the phrase remains enigmatic and accessible to a wide range of interpretations. Nonetheless, in the early 1970s, the Apex Court endeavoured to define it in many case laws. [52] The adjudicatory authorities, who have been permitted to grant appropriate relief to labourers if the punishment is harsh or excessive in relation to the seriousness of misbehaviour under the Act, have discretion over what punishment or amount is suitable to wrongdoing. [53]

When dealing with instances involving delinquent employees who were found guilty of misbehaviour and therefore terminated, the Supreme Court took a forgiving stance in light of the harsh reality that workers experience in the workplace and their lack of bargaining power. In Hind Construction and Engineering Co. Ltd. v. their Workmen, J. Hidaytullah of the Supreme Court held that the Tribunal could only intervene if the employees' conduct demonstrated a lack of bonafide, victimisation of workers, or unfair labour practises, but where the punishment imposed on the employee is disproportionate to the act and is unfair, the Tribunal can treat such imposition as victimisation. [54]

The Court went on to say that the Constitution also mentions employment protection and the avoidance of worker victimisation. During the second phase, the doctrine of proportionality in punishment was developed, which was later given legislative form by the inclusion of section 11A in the Industrial Disputes Act of 1947, which empowered the Labour Court and Industrial Tribunal to overturn any discharge or dismissal that was found to be

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excessive and inappropriate. In the case of Rama Kant Misra v. the State of M.P., the Supreme Court upheld its previous humane approach by ordering the reinstatement of the appellant despite the fact that he had been dismissed by the U.P State Electricity Board for misconduct causing a breach of peace by threatening an employee on the premises of the establishment. The Supreme Court offering a compassionate stance remarked that "in the evolution of industrial relation standards we have evolved from the days when the magnitude of punishment was seen as a managerial function with the Courts, who had no ability to override the choice of the management". [55]

In another instance, the Supreme Court overturned the dismissal of the appellant on the grounds of misbehaviour because he used vulgar language on the industrial premises in Ved Prakash v. M/s Delton Cables India Private Limited. The Supreme Court ruled that the punishment was severe and disproportionate, and that the firing amounted to victimisation and unfair labour practises. [56]

In the current day, there is an attitude shift in the judiciary's response to cases of misbehaviour, and the judiciary has adjusted its approach to meet the requirements of the global economy. In the case of Bharat Forge Co. Ltd v. Uttam Manohar Nakate, it was determined that termination for misbehaviour of a worker seen napping during working hours is justifiable.

CONCLUSION

It can thus be concluded that, the judiciary has shifted from its previous approach and there is an attitudinal shift. The industries are put on a fast track in tune with the global economy as is evident from the latest judgements. However, the judiciary is undeniably an important part of the Indian democracy and its decision impacted and will impact the coming generations therefore it should not only emphasise establishing the rule of law but also should focus on social welfare and economic needs of the society. This will eventually help in the establishment of better relations between worker and employer and will eventually positively benefit industrial relations. The Court through its judgements has tried to implement social justice especially in matters relating to labour management relations. There has been an attempt to better industrial relations by fostering collective bargaining and right to association along with discouraging inter and intra union rivalries.

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Corresponding author: Mr. Alok Shankar Mudgal and Dr. Jayendra Singh Rathore
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