

Course Name: Labour Welfare and Industrial Relations

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Week – 12

Lecture – 01

Hello learners, Namaste. Welcome back to the course on Labour Welfare and Industrial Relations. I thought of taking you through some case laws because when we have seen different laws, different acts, different bills that have been formed and have been converted to acts, a practical understanding comes from case laws. So what are the present day status? So that's why I would like to pitch this at the fag end of the particular course because

where we look into some case laws which are relevant with respect to some of the typical laws, typical acts. So based on that, we'll have a discussion, we'll see what has happened during the court sessions, what was the verdict by the Supreme Court, by the High Court, whatever the respective court is. So we'll try to understand the logic, the rationale and the reasoning behind such cases. Welcome to this class, specifically where I'll be dealing with case laws as an example, whereby I would like to give you the practical reality, what is the present day status of some of the laws, some of the acts.

I'm Dr. Abraham Cyril Issac. I'm an assistant professor at the School of Business, Indian Institute of Technology, Guwahati. So over the last 10 modules, at least, we have looked into different acts. We have seen different acts like Trade Union Act. We have looked into Industrial Disputes Act. I am not going into detail of each act because that we have covered holistically.

My intention today again as I already mentioned is to give you a practical understanding. So this course has been designed in such a way that towards the fag end of the particular course in itself, I would try to give you what is the present day status of all these laws. So

we will follow this with the labor courts, etc. But before that, let's look into what is the relevant status of all these acts. Let's dig into that in deeper mode.

Let's start with the Trade Union Act. Now, this is one of the recent cases that have emerged in the Trade Unions Act 1926. So if we look into the case in itself, it's the case of Divgi Metalwares versus Divgi Metalwares Employee Association. which was decided by Supreme Court very recently, March 21, 2024. The central issue revolved around the legality of transferring 66 employees from the Sirsi factory in Karnataka to the Pune factory in Maharashtra.

This was a particular case that, you know, the matter related to the particular case of the Supreme Court. upheld the transfers, emphasizing that the terms of appointment permitted such action. Now let's look into the background of this case. Who are the parties involved? The appellant was Divji Metalwares Limited, which is an automobile gear manufacturer with factories in Pune and Sirsi.

The respondent was Jivgi Metalwares Employee Association, which is a registered trade union representing the employees. Now you understand when I say the word registered trade union. So the initial dispute was all about the transfers that were initiated due to a reduction in orders and insufficient work at the Circe factory. The employees were provided advance payments for travel, but they did not report to the Pune factory. So this led to industrial dispute.

So this is certainly the background. Now let's understand the legal proceedings that happened with respect to this particular case. The Industrial Tribunal initially rejected the references filed by the workmen regarding the transfers. So the case escalated through various legal channels, including a writ petition filed by the company against the tribunal's decision. Now, when we look into the travel or the timeline of the case, we see that there were certain standing orders with respect to key legal provisions.

The case heavily relied on certified standing orders, particularly clause 20. which allowed for employee transfers within the company. So the terms of appointment explicitly stated that the employee services were transferable to any department or office of the company. The precedent was CIPLA Limited. Supreme Court referenced the precedent set in

CIPLA Limited versus Jay Kumar, which established that the transfers of employees were permissible under similar circumstances, reinforcing the validity of transfers in the current case.

So basically, if you ask me, the Supreme Court's decision can be summed up as this. The Supreme Court ruled that the transfers were legitimate and in accordance with the terms outlined in the employee's appointment letters and the standing orders. Now, this was very critical. The court dismissed the appeals challenging the transfers, stating that there was no conflict between the standing orders and the terms of employment.

So it emphasized that the transfers did not target specific individuals negatively and were not actually intended to cause any harm. So the judgment quashed the previous orders of the High Court and upheld the Industrial Tribunal's finding regarding the legitimacy of the transfer. So please note, this has... certainly affirmed or reaffirmed the legitimacy of transfers. So when you look into the case in general, if I want to conclude, the ruling in Divgi Metalwares versus Divgi Metalwares Employee Association typically reinforces the employer's rights.

I repeat, the employer's rights to transfer employees as per the established terms of employment reflecting a very significant interpretation of labour laws. So the decision certainly underscores the importance of clearly defined employment terms and all the legal frameworks governing industrial relations in India. So what we understand with the case is that The legality of transferring 66 employees from the Sirsi factory in Karnataka to the Pune factory in Maharashtra, the Supreme Court emphatically upheld the transfers, emphasizing that the terms of appointment permitted such actions. So this is one of the recent cases what we see or what we have observed in the Trade Unions Act 1926.

Let's look into another such relevant case, which is Creative Governments Limited versus Kashiram Verma, March 2023 case. So let's understand this case first. In the case of this Creative Governments Limited versus Kashiram Verma, it was decided by the Supreme Court on March 23. Specifically, if you trace back the date, it was March 16. The central issue revolved around the validity of an award,

issued by the labor court directing the reinstatement of an employee who is Kashiram Verma with full back wages and continuity of the service. Now, if we dig into the background of the case. The parties involved essentially are the Appellant, which is the Creative Garments Limited, which is a garment manufacturing company, while the respondent is Kashiram Verma, who is an employee who had been dismissed from service. So when you look into the initial proceedings, the Labour Court had issued an award on October 28, 2005, directing the reinstatement of Verma, which was subsequently upheld by the single bench of the Bombay High Court. So, the division bench of the High Court later confirmed this order on, I think, around June 2010.

Now, the management appeal, it was dissatisfied with the High Court's decision. Creative Garments Limited, which is the appellant, actually filed a special leave petition challenging the reinstatement order. Now, when you track into or when you focus into the key legal issues surrounding this particular case, which is Creative Garments Limited versus Kashiram Verma, you'll see that there is a service of notice. The Supreme Court noted that there were issues regarding the service of notice to the respondent. Despite multiple attempts to serve the notice, including, you know, dusty surveys through civil courts, the respondent did not appear to defend the case, suggesting a lack of interest in the proceedings.

And the conduct of respondent was taken seriously. The management argued that the respondent had not reported for duty after the labor court's award. indicating that he was no longer interested in this particular employment so they also highlighted that the respondent had not provided a permanent address you know complicating the whole service of legal documents so what was interesting was the supreme court's judgment the supreme court ruled in favor of Creative Governments Limited, stating that the respondent's failure to report for duty and his lack of interest in the proceedings justified setting aside the Labor Court's award. So the court emphasized that the award-granting reinstatement and back wages was no longer tenable.

given the actual respondent's conduct, which indicated he had likely found alternative employment or he would be not actually interested in this. So the judgment concluded that the appeal by Creative Governments Limited was allowed and the orders of the High

Court and the Labor Court were set aside critically. also directed that Rs. 10,000, the previously deposited amount for the respondents' travel expenses, be actually reimposed. So, when you look into this particular Creative Garments Limited v. Kashi Ram Verma case, it categorically underscores the importance and the relevance of an employee's engagement in legal proceedings.

I will write... I would try to underline this again. Employees engagement. You cannot simply run away from your responsibilities. Importance of employees engagement in legal proceedings and the responsibility to maintain updated contact information.

So that is the prerogative. That is the honest. That is the responsibility of the particular person. So the ruling highlights that the judiciary stands firm. on the conduct of employees in relation to reinstatement orders and the implications of their actions on the validity of such awards.

Now, when you look into other acts, let's look into the National Insurance Company Act for a second, the particular case related to the Employees' Compensation Act 1923. The case was with respect to national insurance companies. So let's look into another case, the Employees' Compensation Act 1923. And one of the most critical and recent cases with respect to our coming under the purview of the Employees' Compensation Act would be the National Insurance Company Limited versus Dheerat Singh 2020. So in the case of this National Insurance Company versus Dheerat Singh 2020,

It was decided by the High Court of Jammu and Kashmir on 2020, specifically August 2020. The central issue was the validity of an award made under the Employees' Compensation Act 1923. So this is what is pertinent here, the Employees' Compensation Act 1923, which granted compensation to Dheeraj Singh following a workplace accident. Now let's look into the background of this case. We'll understand this.

explicitly what are the or who are the parties involved what is the incident and what is the claim when you look into the parties involved we see that the appellant national insurance company limited was the insurer of a truck owned by the second respondent who was Deerath Singh's employer. So, Deerath Singh, the claimant, was employed as a driver. The incident happened on August 20, 2010. While driving the truck from Jammu to

Jalandhar, Deerath Singh lost control of the vehicle resulting in a collision with another truck.

So, this accident caused significant injuries including fractures and other bodily harm. So, what was the claim here? Dheerat Singh filed a claim with the Commissioner under the Employees' Compensation Act seeking compensation for his injuries. He claimed a monthly salary of Rs. 8,000 and an additional Rs.

2,000 as a trip allowance. Now, when you trace through the legal proceedings, you will see that the insurer's defence, that is the National Insurance Company contested the claim. disputing the existence of an employee relationship between Dheeraj Singh and the truck owner. They argued that the claim was entirely filed in collusion and denied any liability.

The commissioner's finding was interesting. The commissioner, after examining evidence and testimonies, ruled in favor of Dheeraj Singh. The commissioner found that the Singh was indeed an employee of the truck owner and that the accident occurred in the course of his employment, which was emphatically proved. Now, when it came to the compensation, the commissioner awarded Dheeraj Singh Rs. 12 lakhs.

Specifically, Rs. 12,28,161 along with the interest at 12% per annum, taking into account his age, wages and the extent of his injury. So, if you look into the extent of injuries, the case law categorically describes that although a medical certificate indicated a 40% disability, The commissioner assessed his loss of earning capacity at 100% due to the nature of his injury. So please look into the consideration here.

There was an appeal to High Court definitely made by the National Insurance Company which appealed against this particular award. It is a very interesting case. So you will see the way it is actually turning out. raising several legal questions, including the validity of the employer-employee relationship and the appropriateness of the compensation amount. So we have discussed in length and breadth about the theoretical understanding of the employer-employee relationship.

But here is a typical case which underscores the practicality of the employer-employee relationship. That's why I try to include it here. The judgment was interesting. The high court upheld the commissioner's decision, reaffirming that the evidence supported the claimant's status as an employee and that the accident arose out of and during the course of employment. So he was.

Categorically employed when this accident happened, the court found no merit in the insurer's claims regarding collusion or the denial of the employer-employee relationship. So what we understand or what we conclude from this particular case is that the National Insurance Company Limited v. Dheeraj Singh case actually underscores the importance of recognizing something which we are talking about for the past 10 modules which is employer-employee relationship in compensation claims under the Employees' Compensation Act, specifically in this case. The ruling reinforced the principle that the employees injured in the course of their employment are entitled to fair compensation reflecting the judiciary's commitment to protecting workers' rights in India. So, the Employees' Provident Funds and Miscellaneous Provisions Act 1952 was enacted to provide social security to employees in India by establishing a statutory framework for the provident fund, for the pension and the insurance scheme.

So, the Act ensures that the workers save a portion of their earnings for retirement and other contingencies. So, when you look into other cases, specifically within this limit, we'll see that there is an increased wage limit for compensation calculation cases that happened in 2020. Let's look into that. In 2020, a significant amendment was made to the Employees' Compensation Act 1923.

We have discussed this already, specifically regarding the wage ceiling for compensation calculations. So this change typically, which we are talking about, was implemented through a government notification and aimed to enhance the financial protection afforded to workers in the event of any workplace injuries. Now, when we typically examine or cross-examine the details of the particular case and with respect to the amendment in case of the Employees' Compensation Act, we see that there has been a wage ceiling increase. The previous limit was the wage ceiling for calculating compensation under the Employees' Compensation Act was set at around Rs.

8,000 per month. Now, Effective from January 2020, the wage ceiling has been increased to Rs. 15,000 per month. So, this change was formalized by Government of India through notification dated 2020, January 3.

Now, the implications of this particular amendment is that when you look into the calculation of compensation, The increase in the wage ceiling means that the compensation for employees injured at work will now be calculated based on a higher wage threshold. So this adjustment typically allows for a more equitable compensation framework, if I can use the word, reflecting the rising cost of living and wage growth. So what are the employee obligations associated with this? Employers are required to adjust their compensation calculations in accordance with the new wage ceiling.

This means that in cases of injury or death resulting from any workplace accidents, the compensation payable will be calculated on the basis of the new limit of this rupees 15,000. So please make a note of that. The rationale behind the change is also critical. The amendment reflects that the government's recognition of the need to enhance worker welfare.

and provide a better financial support to the employees who actually suffer injuries in the course of their employment. So by raising this particular wage ceiling, the government typically aims to ensure that the workers receive compensation that is more aligned with the current economic conditions. So when you look into the legal context, the Employees Compensation Act mandates that the employers are liable to pay compensation to the workers for injuries sustained during the course of employment. So the calculation of this particular compensation is based on the wages of the employee and the amendment to the wage ceiling directly that impacts the amount of compensation that can be actually claimed. So the increase in wage ceiling under the Employees' Compensation Act in 2020 is a very critical step in improving the compensation framework for workers in India, ensuring that they receive adequate financial support in the event of workplace injuries.

Now when we look into the amendments, specifically the Employees' Provident Fund and Miscellaneous Provision Act 1952, what we have discussed in the previous modules as EDLI scheme. Employees Deposit Linked Insurance Scheme Amendment 2024. So what

has happened is that the Employees Deposit Linked Insurance Scheme Amendment in 2024 introduced certain significant changes aimed at enhancing the benefits provided to employees under the scheme. So when you look into the details of the amendment, you will see that The Employees Deposit Link Insurance Scheme was typically established in 1976.

Please recollect that under the Employees Provident Fund and Miscellaneous Provisions Act 1952, which we have categorically seen. It provides life insurance coverage to employees who are members of the Employees Provident Fund organization, what we understood as EPFO before. In the event of an employee's death while in service, the scheme ensures that their registered nominees receive a lump sum amount, a lump sum payment. So with respect to this 2024 amendment, we see that the maximum benefit, the amendment raised the maximum insurance benefit available under the EDLI scheme to rupees 7 lakhs. This change typically reflects the government's commitment to providing better financial security to the families of the deceased employees.

You'll see that the minimum benefit under the scheme was retained at 2.5 lakh, which was established in previous amendments. So when you look into the calculation of benefits typically, The payout under the EDLI scheme is calculated based on the last drawn salary of the employee. So, you know, the average monthly salary is capped at around 15,000, you know, meaning if you look into the particular formula, there is a formula that total benefit is equal to 30 into average monthly salary plus bonus total benefit 30 into average monthly salary.

plus bonus so basically this is a calculation more than the calculation what is significant here is that how they derived at the amount of 7 lakh and more than that the coverage for nominees is critical the amendment extended benefits to nominees of employees who had changed their establishment for employment within the 12 months preceding their death so this typical provision ensures that employees who transition between jobs still have their families covered under the EDLI scheme. So when you are looking into the exclusion and conditions of this particular amendment, the scheme maintains certain exclusions such as say deaths resulting from something like intoxication, suicide or

participation in hazardous activities. This will not come under the ambit of this particular act. This is excluded.

So on all such cases, the insurance benefit will not be provided. There is a contribution structure. Typically, employers contribute 0.5% of the employees' wages towards the EDLI scheme from their Provident Fund contribution. So, this contribution is capped at a maximum amount of Rs. 75. What is the rationale behind the amendment?

The 2024 amendment to the EDLI scheme was actually introduced to enhance the financial security of the employees in the private sector, particularly in the light of rising living costs and the need for an adequate insurance coverage. So by increasing the benefit limits and extending coverage to more scenarios, the government actually aims to provide a safety net for employees and their families in the event of unforeseen circumstances. So what we understand from the EDLI scheme amendment of 2024 represents a significant step critically towards improving the insurance benefits available to the employees under the EPFO. So by raising these benefit limits and expanding the coverage, The amendment aims to ensure that the employees and their families are better protected against the uncertainties of life, uncertainties due to all the actions thereby enhancing overall worker welfare in India.

Now, with this, we have to also understand that A critical case that comes in with respect to Employees Pension Scheme Amendment. The Employees Pension Scheme Amendment is also quite new. The Employees Pension Amendment Scheme 2024 introduced significant changes to the previous one. The previous one, if you recollect Employees Pension Scheme 1995, we had discussed that in length.

The key amendments with respect to that particular act was 1. Increased Pension Benefits. The amendment revised the factor for computing past service benefits under the seized family pension scheme for existing members upon exit for employment. So the new factors range from 14.2271 for less than 35 years of age to 24.38 for less than 42 years of age. So this particular change.

aims to enhance the pension benefits received by employees who have essentially transitioned from the previous family pension scheme to the current employees pension

scheme. So what is the revised return of contribution format? The employees pension under the Second Amendment Scheme 2024 revised the prescribed format provided in the scheme. The format is used for filing the return of contribution on exit from employment. So what is the rationale?

The 2024 amendments to employers pension scheme reflect the government's commitment to improving the social security net for employees in India. This is something which I have been reemphasizing for the past couple of modules that government's commitment to improving the social security net by enhancing the pension benefits actually and simplifying the return filing process the amendments aim to provide better financial security and ease of administration for both the employees and the employers typically so this is something we have to understand with respect to the employees pension scheme amendment 2024 Now let's look again to a particular interesting case. The case related to the payment of gratuity act 1972 specifically a very recent case Prashant Kumar versus state of Tripura 2024 case.

So what has happened in the case of Prashant Kumar versus state of Tripura 2024 it pertains to the interpretation and application of the Payment of Gratuity Act 1972. So we have again discussed this Payment of Gratuity Act in detail in previous modules. Now we look into what is the interpretation or how the interpretation had gone wrong, specifically focusing on eligibility criteria for gratuity payments. So when we

dig deeper into this particular case or a careful reading of this case will show us that there is a certain background associated to the particular case. The first is the parties involved. The petitioner, Prashant Kumar, was an employee who sought gratuity payments from the state of Tripura upon his exit from service. So the state as the employer actually contested the claim based on interpretation of the eligibility criteria under the Payment of Gratuity Act.

The context is clear. The case arose from a dispute regarding whether Prashant Kumar was entitled to gratuity after completing his service. So the employer argued that the conditions for eligibility, particularly concerning the definition of continuous service, was

not met. So this is a very critical criteria, especially when it comes to service requirements. especially government service, the continuity of service.

Now, when you look into the legal framework, the Payment of Gratuity Act 1972, typically, the Act stipulates that an employee is entitled to gratuity after completing five years of continuous service, except in cases of death or disablement. So, continuous service is defined as working for at least 240 days. 240 days in a year. So, with respect to the relevant amendments, the Payment of Gratuity Amendment Act 2018, which we have also seen, clarified certain provisions regarding the calculation of gratuity and the role of the central and state governments in determining the applicable rules. So, the court proceedings, if we track down, the initial ruling was that the lower courts specifically had ruled in favor of the state, denying

Kumar's claim for gratuity based on the argument that he had not completed the requisite continuous service period. Now, during the appeal to the High Court, Kumar appealed to the Tripura High Court challenging the lower court's interpretation of continuous service and the eligibility criteria for gratuity. What he said was, there is a typical confusion with respect to the definition there. Supreme Court examined the provisions of the Payment of Gratuity Act and the amendments made over the years. And based on that, ruling on continuous service, the court ruled that the definition of continuous service must be interpreted in a manner that aligns with the intent of the act.

This is where the spirit of the law becomes relevant, the intent of the act. which is to provide financial security to employees after a significant period of service. The intent is not to take away the money. The intent is essentially to give financial service, financial security after a certain period of time. Now, if that is the intent, the law and the interpretation of the law should be in similar lines.

The Supreme Court held that Kumar was entitled to gratuity despite the state's claim emphasizing that the Act's provisions are designed to protect employees' rights and ensure they receive due benefits after their service. So the court also highlighted that the distinction between the central and the state governments as the appropriate government does not affect an employee's entitlement to gratuity under the Act. So what are the

implications of the ruling? The decision in Prashant Kumar v. State of Tripura reinforces, I repeat, reinforces the protective nature of Payment of Gratuity Act, ensuring that the employees are not denied their rightful benefits due to the mere technicalities in the interpretation of service duration. So the ruling serves as a precedent for

For future cases involving gratuity claims, emphasizing the importance of employee welfare and the need for employers to adhere to the statutory provisions laid out in the Act. Now, this was one of the most important case I would state that has happened in the year. So, the Prashant Kumar v. State of Tripura case is significant ruling that clarifies the eligibility criteria for gratuity claims. Under the Payment of Gratuity Act 1972, it ensures that the judiciary's commitment to uphold employee rights and ensures the statutory benefits are provided to workers in a very fair and just manner. Now, we...

Move from the Payment of Gratuity Act 1972 to another interesting act which is the Maternity Benefit Act 1961. We take up the first case here. Srimati Sonali Sharma was a State of UP. State of UP was represented by the Principal Secretary. When you look into the case, typically, the Allahabad High Court delivered a significant ruling saying,

regarding an employee's eligibility for a second maternity leave within two years of the first one. Now, this is also interesting because of the term, the time period. Let's look into the background of the case. The petitioner was Srimati Sonali Sharma, an employee. Respondents were the state of Uttar Pradesh through the Principal Secretary Department of Empowerment of Persons and Disabilities, Lucknow.

Now, the context was Sharma's application for a second maternity leave was rejected by the authorities based on the interpretation of Regulation 101, read with Regulation 153, Clause 1 of the Financial Handbook, Volume 2, which suggested that a second maternity leave is not admissible within two years of the first one. Now, this is interesting. This has been emphasized on the Financial Handbook, Volume 2, Regulation 153, Clause 1, and in cognizance with the interpretation of Regulation 101. So, key points of the judgment where the High Court... Observe that Maternity Benefit Act, we have gone through that in detail in many modules, Maternity Benefit Act 1961 does not, I repeat, does not impose

any restriction on the number of maternity leaves an employee can avail of or the time gap between them.

So, both the aspects, one is number three. Another is there is no restriction with respect to the time gap. Please note both of them. The court relied on previous judgments by coordinate benches such as Anupam Yadav and others versus State of UP and others 2022 and Satakshi Misra versus State of UP 2022 which had already established that the Act's provisions override any inconsistent state rules. The High Court emphasized that once the Maternity Benefit Act 1961 is adopted by a state, it applies with a full force irrespective of any particular conflicting provisions in state financial handbook.

So the court directed the authorities to grant Sharma her second maternity leave with full salary. benefits, quashing the order, rejecting her application. So what is the significance of this particular ruling? If you ask me, the judgment in Srimati Sonali Sharma v. State of UP 2023 categorically reinforces the primacy of the Maternity Benefit Act 1961. over any state-level regulations in matters of maternity leave eligibility.

So it establishes that an employee's right to maternity leave is not limited by the time gap between successive pregnancies as long as the statutory conditions under the Act are met. So the ruling underscores the judiciary's commitment to uphold the rights of women employees and to ensure that they receive the benefits guaranteed under this particular Maternity Benefit Act Similarly, in the same vein, we will take up one more case which is Preeti Singh v. State of UP and others. So, in the case of Srimati Preeti Singh v. State of UP 2021, the Allahabad High Court addressed the issue of maternity leave eligibility under the Maternity Benefit Act 1961, particularly focusing on the interpretation of state financial rule and conflicted with the Act. The background, let's look into that.

The petitioner, Srimati Preeti Singh, an employee of state of Uttar Pradesh. The respondents, typically state of Uttar Pradesh to the Secretary of Education and other officials. The context is that. Preeti Singh had previously availed maternity leave until December 28, 2019. Now a careful reading of the case will give us this idea that she applied for a second maternity leave from March 17, 2021 to October 12, 2021.

However, Her application was rejected on March 16, 2021, just a day before the leave was set to begin. So the rejection was based on the stipulation in the Uttar Pradesh Financial Handbook again that required a minimum gap of two years between successive maternity leaves. Now, when you look into the legal framework, especially the Maternity Benefit Act 1961, The Maternity Benefit Act provides for maternity leave and benefits to women employees.

So according to Section 5 of the Act, every woman is entitled to maternity benefit if she has worked for at least 80 days in the 12 months preceding the expected date of delivery. So this is what is being typically stated in the Act. Uttar Pradesh Financial Handbook, the respondents relied on Section 153, Clause 1 of the Uttar Pradesh Financial Handbook, which stipulated that there must be a minimum period of two years between the first and second maternity leave, which we have already seen. Now, if we look into the court proceedings, interestingly, the arguments made by the petitioner, Preeti Singh, contended that the rejection of her maternity leave application was incorrect and inconsistent with the provisions of the Maternity Benefit Act. She cited the precedent set by Allahabad High Court in Srimati Richa Shukla was a state of UP 2019 case where similar restrictions imposed by the state was deemed invalid.

The argument made by the respondents was also typical. The state defended its position by citing the financial handbook, asserting that the two-year gap was a valid stipulation. Now let's look into the judgment. The Allahabad High Court presided over by Justice Saurav Lavania ruled in favor of Preeti Singh. The court held that the Maternity Benefit Act 1961 states,

takes precedence over any conflicting provisions in the state financial rules as we have clearly discussed in the previous case also. The court reiterated that the Maternity Benefit Act does not impose any restrictions on the timing of successive maternity benefits beyond the requirement of having worked for a minimum number of days in the preceding year. So the ruling emphasized that the stipulations in the Uttar Pradesh Financial Handbook were inconsistent with the Maternity Benefit Act and thus could not be enforced. The court ordered the respondents to grant Preeti Singh her maternity leave

as per her application and directed them to comply with the Provisions of Maternity Benefit Act. So what is the significance of this ruling?

If you want to conclude with the significance of ruling, this case typically reinforced that the principle that the statutory provisions under the Maternity Benefit Act essentially override conflicting state regulations. So it set a precedent for all the future cases regarding maternity leave, ensuring that women employees are not denied the rightful benefits due to arbitrary state rules. The ruling highlighted the judiciary's role in protecting women's right in the workplace, particularly in relation to maternity benefit. And if I want to conclude this landmark decision that clarifies the applicability of Maternity Benefit Act 1961, and certainly it reaffirms the rights of women to receive maternity leave without unnecessary restrictions imposed by any state regulations. So the judgment...

serves as a critical reference point for similar cases in the future promoting gender equality in the workplace. So when you look into this particular case, this is what we typically understand. Now let's look into one of the most significant cases which were discussed just in couple of modules before the Child Labour Prohibition and Regulation Act. The first case here would be the case State of Bihar versus Kailash Yadav 2023. The case of State of Bihar versus Kailash Yadav 2023 pertains to the interpretation and enforcement of Child Labour Prohibition and Regulation Act 1986.

Let's look into the background. The parties involved are the appellant in this case, which is the state of Bihar, while the respondent is Kailash Yadav, who was accused of employing child laborers. Now, the context is clear. The case arose from a raid conducted by the authorities in Bihar, where several children were found working in a brick kiln. owned by Kailash Yadav.

The authorities filed a complaint against him for violating the provisions of Child Labour Act. Now, based on the legal framework, especially the Child Labour Prohibition and Regulation Act 1986, the Act prohibits the employment of children below the age of 14 years in certain hazardous occupations and regulates the working conditions of children in non-hazardous jobs, which we have seen categorically. It mandates strict penalties for

employees who actually violate these provisions, including fines and imprisonment. Now, when you look into the court proceedings in greater detail, you'll see that in the initial ruling, the lower courts found Kailash Yadav guilty of employing child laborers and imposed penalties as prescribed under the Child Labor Act. Yadav challenged this ruling, arguing that he was not aware of the children's ages.

and that he had taken reasonable steps to ensure compliance with the law. Now, the arguments by the state was that the state of Bihar argued that the presence of children in the brick kiln was sufficient evidence of the violation, and the law does not permit ignorance as a defense. Please note, this was... The argument made by the state. And many a time, I believe, ignorance cannot be a defense.

Ignorance cannot be a reason to defense. Now, having said that, let's look into the Supreme Court decision. The Supreme Court of India upheld the lower court's rulings, emphasizing that the employment of children in any capacity is strictly prohibited under the Child Labor Act. The rationale is that the court stated that the employers have a responsibility to verify the ages of their workers and cannot evade liability by claiming ignorance. So the protection of children's rights and welfare is paramount and the law aims to eliminate child labour in all forms.

The court also highlighted the need for stricter enforcement of child labour laws and the importance of public awareness regarding the rights of the children. When you look into the significance of the ruling, the ruling in the state of Bihar versus Kailash Yadav reinforces the legal framework protecting children from exploitation and emphasizes the accountability of employers in ensuring compliance with labor law. So it serves as a precedent for future cases involving child labor, retreating that the ignorance of the law is not a valid defense for employers. I repeat, Ignorance of the law is not a valid defense for employers.

So the case underscores the judiciary's commitment to upholding children's rights and ensuring that the laws against child labor are effectively implemented. So this case is a significant ruling, if you ask me, that clarifies the responsibilities of employers under the Child Labour Prohibition and Regulation Act 1986. It highlights the importance of

protecting children from exploitation and reinforces the legal framework aimed at eradicating child labour in India. Now let's look into another case. Bachpan Bachao Andolan versus Union of India and others, writ petition number 427 of 2022.

So this public interest litigation PIL filed in Supreme Court by NGO Bachpan Bachao Andolan focused on the enforcement of child labor laws across various states in India. So the court directed several state governments to take immediate action and effective measures to eliminate child labor, particularly in industries like agriculture, like mining, like domestic work, etc. The case highlighted the ongoing challenges in eradicating child labor and the need for stronger governmental action. Please note, the Protection of Children from Sexual Offences, POXO Act of 2012, was passed by the Government of India to protect children from sexual assault, harassment and pornography.

So, the Act typically establishes special courts to try these offences and provides a child-friendly system for doing so. So, what happens with respect to the POXO Act is that, It guarantees punishment. The Act specifies punishment for offences including the death penalty for some crimes. It gives support.

The Act provides support for victims including compensation, emergency medical care and protection and free legal aid. It also gives offender detection. The Act outlines improved methods for catching offenders and requires that offences to be reported immediately. So failure to report an offence may actually result in a fine or imprisonment of up to six months. The Act was amended in 2019 to introduce more stringent punishments and the government also notified the POXO rules in 2020.

Now, let's look into the case of Bachao Andolan v. Union of India and Others, read petition number 427 of 2022, filed in the Supreme Court of India. It addresses a very, very critical issue regarding child labor and the enforcement of laws aimed at protecting children from exploitation. So when you look into the background, you'll see that BBA, the Bachman Bachao Andolan, an organization dedicated to combating child labor and advocating for children's rights. The respondent here is the Union of India and other relevant authorities. The context is the petition was filed to address the ongoing issue of child labor in various sectors across India, particularly in light of the effective

enforcement of existing laws, including the Child Labor Prohibition and Regulation Act 1986.

right of children to free and compulsory education act 2009 now what has happened specifically is that the court proceedings if you have a careful reading of that you will see the case was heard on september 19 2022 the arguments made by the petitioner was the petitioner argued that despite the existence of laws prohibiting child labor enforcement has been weak leading to continued exploitation of children So this BBA sought directions from the Supreme Court to ensure that the government takes effective measures to implement existing laws, including conducting regular inspections and monitoring. The arguments made by the respondents was critical. They said that the government representatives acknowledge the challenges in enforcing child labor laws, but emphasized their commitment to addressing the issue.

So they presented, you know, various initiatives and programs in that combating child labor and promoting education. Now, when you trace back to the Supreme Court's decision in this particular case, the Supreme Court presided over by Justice Indira Banerjee and Imam Sundaresh recognized that the importance of protecting children's rights and need for effective education Enforcement of child labor laws. The court directed the Union of India to take immediate steps to strengthen and enforcement of child labor laws, ensure regular inspections of industries where child labor is prevalent, implement comprehensive rehabilitation programs for rescue workers, child laborers and obviously to collaborate with NGOs and civil society organizations to typically raise awareness about child rights and labor laws.

So when you look into this ruling in this Bachchan Andolan v. Union of India, it categorically emphasizes the judiciary's role in safeguarding children's rights and ensuring that the government provides fulfills its obligations under the law. It highlights the need for systematic changes in the enforcement of child labor laws and the importance of collaboration between government agencies, between NGOs, civil society in combating child labor. So the case serves as a reminder of the ongoing challenges in eradicating child labor in India and the necessity for concerted efforts to protect

vulnerable sections, especially children from exploitation. Now when you look into other typical cases, I think we have to venture into the Factories Act 1948.

The first case is Tamil Nadu Pollution Control Board versus NLC India 2024. The case... of Tamil Nadu Pollution Control Board versus NLC India 2024 involves significant environmental and regulatory issues concerning pollution control measures in and around the Navveli Lignite Corporation NLC facilities. So when you look into the details, the background says that the parties involved are the petitioner, which is Tamil Nadu Pollution Control Board, TNPCB, And the respondent, which is Naveli Lignite Corporation India Limited, a public sector enterprise engaged in lignite mining and power generation.

The context is that the case aroused following concerns reported in the media regarding severe pollution risks associated with this Naveli Lignite Corporation's operations. So, reports indicated high levels of mercury contamination in water sources near NLC facilities, prompting the TNPCB to take action. Now, when you look into the relevant laws, we have the Factories Act. 1948 so this act typically what we have discussed in detail in the previous module this act regulates labor and safety standards in factories including provisions for health and safety of workers environmental protection act 1986 also comes into play here this act typically which provides a framework for environmental conservation and regulation of hazardous substances including provisions for pollution control Now let's go through the court proceeding.

There was a Suomoto action. The National Green Tribunal, NGT, took Suomoto cognizance of the pollution issue based on the news articles highlighting the environmental risk posed by NLC operations. The tribunal issued notices to various stakeholders including the Ministry of Environment, Forest and Climate Change and the TNPCB. During the hearing, the NGT, National Green Tribunal, conducted hearings to assess the particular situation during which the TNPCB presented its findings and reports regarding the pollution level and the compliance of NLC with environmental regulations. The findings were interesting.

When you look into the TNPCB's report in detail, it indicated alarming levels of mercury and other pollutants in the water bodies surrounding NLC's mining and thermal power operations. So, the reports highlighted that the pollution posed significant risks to public health and the environment. So, NLC's defense was that NLC India Limited defended its operations by stating, that it complied with all environmental norms and regulations.

The company claimed that it utilized 100% of the fly ash generated from its operations and operated effluent treatment plants to meet the standards set by regulatory authorities. The court ruling was interesting. The NGT directed the TNPCB to conduct thorough inspections and monitoring of NLC's operations to ensure that Typical compliance with the environmental standards. The tribunal emphasized the need for immediate action to mitigate the pollution risk identified in the reports.

The NGT also recommended that the TNPCB prepare a comprehensive action plan to address the pollution issues, including measures for remediation and rehabilitation of affected areas. Now, what is most significant about the case is the environmental accountability. So we have talked about many types of accountability issues. Environmental accountability happens to be one of the most critical ones. This case underscores the importance of holding industries accountable for their environmental impact and ensuring compliance with pollution control measures.

So when you look into the public health implications, the findings typically regarding the mercury contamination highlight that the potential health risk faced by communities living near industrial operations, emphasizing the need for stringent regulatory oversight. The case typically illustrates the role of NGT and the environmental regulatory bodies in enforcing compliance with the environmental laws and protecting public health. So what we understand with respect to the particular case is that The Tamil Nadu Pollution Control Board versus NLC India 2024 case typically represents a very, very critical intersection of environmental law and industrial regulation.

It highlights ongoing challenges of pollution control in industrial operations. and the necessity for effective enforcement of environmental standards to safeguard public health and the environment. So basically, this case typically serves as a reminder of the

judiciary's role in addressing even environmental issues and ensuring that the industries operate in a sustainable fashion. When you look into other typical aspects pertaining to this particular Factories Act, we have to look into the State of Karnataka versus Bosch Limited 2023 Act. The case of State of Karnataka versus Bosch Limited 2023 addresses significant issues related to environmental regulations and compliance under this Factories Act 1948 Act.

When you look into the background, the petitioner is the state of Karnataka and respondent is Bosch Limited. The context is that the case arose from allegations regarding Bosch Limited's non-compliance with environmental regulations, specifically concerning waste management and typically emissions from its manufacturing facilities in Karnataka. the Karnataka State Pollution Control Board raised concerns about Bosch's adherence to the prescribed environmental standards. When you look into the legal framework, both as in the previous case, Factories Act 1948 and the Environmental Protection Act 1986 came into picture. And let's go through the court proceedings.

The initial complaint was that the KSPCB, Karnataka State, State Pollution Control Board filed complaints against Bosch Limited for alleged violations of environmental norms including improper disposal of hazardous waste and exceeding permissible emission limits. The case was brought before the Karnataka High Court where the state argued for strict enforcement of environmental regulations and sought penalties against Bosch Bosch for its non-compliance. So, when you look into the issues, the primary issues was whether Bosch Limited had violated environmental regulations and what penalty should be imposed for such violations.

The difference given by Bosch was that it contended it had implemented various measures to comply with environmental standards and that any alleged violations were either minor or unintentional. Now, when we Venture through the court ruling will see that the Karnataka High Court ruled in favor of the state of Karnataka, emphasizing that the importance of strict compliance with the environmental regulations, the court directed Bosch Limited to take critical intermediate corrective actions to address the violations identified by KSPCB. The court also imposed fines on Bosch Limited for its non-compliance and mandated a timeline for the company to implement necessary

changes to its waste management and emission control system. So what is the significance of the case?

The significance of the case again here is environmental accountability. It is corporate compliance. It is public health and safety. So the particular case, the state of Karnataka versus Bosch Limited 2023 case, is a very significant ruling that reinforces the legal framework surrounding the environmental protection and corporate responsibility in India.

It emphasizes the need for industries to comply with regulatory provisions and specifically environmental regulations and the judiciary's role in ensuring accountability for typical violations, if any. Now, it also serves as a critical reference point for future cases involving environmental compliance and corporate governance. So, we come to the last case for the day. We look into the case related to Equal Remuneration Act 1976. A very interesting case, the case of Air India Cabin Crew Association versus Union of India 2018 case.

When we look into the particular case, let's first understand the background. The parties involved are the petitioner is Air India Cabin Crew Association, which represents the interest of cabin crew members, while the respondent is Union of India. Please understand that this is in year 2018, where Air India was still with the government. The context is the case arose from a dispute regarding the retirement age of female cabin crew members, especially air hostesses. The policy mandated that female cabin crew retire from flying duties at the age of 50, while their male counterparts could continue until the age of 58.

The association argued that this policy constituted discrimination based on sex and violated the principles of equality enshrined in the Constitution of India. The relevant laws here, again, they go back to the Constitution. Articles 14, 15 and 16 of the Constitution of India. These articles guarantee the right to equality, prohibit discrimination on the grounds of religion, race, caste, sex or place of birth and ensure equality of opportunity in matters of public employment. Air Corporations Act, 1953.

If you go through the Act, this Act governs the operations of Air India and other air corporations, including provisions relating to the terms and conditions of employment. Now, the court proceedings are interesting. If you go through that critically, in the initial ruling, the Bombay High Court ruled in favor of the Air India Cabin Crew Association, stating that the mandatory retirement age for female cabin crew constituted sex discrimination. The court directed Air India to allow female cabin crew to perform flying duties until the age of 58, subject to medical fitness.

An appeal following this particular decision, the Air India Officers Association appealed the ruling, arguing that High Court had overstepped its jurisdiction by fixing the terms and conditions of the employment. So the key issues were typically discrimination based on sex, jurisdiction of the court also. So this also came into as a big issue. Not only the discrimination based on sex, the appeal raised questions about the extent to which the judiciary could intervene in employment policies set by corporations. Now this took an interesting turn.

Supreme Court's decision was that The Supreme Court upheld the Bombay High Court's ruling regarding the retirement age of female cabin crew members, affirming that the policy was discriminatory and violated the principles of equality. The Supreme Court criticized the imposition of seniority rules that differentiated between male and female cabin crew members. cabin crew members, it emphasized that such regulations were unsustainable and contrary to the principles of equal treatment. So when you look into the Supreme Court's decision, there is a severability of rulings.

The court noted that while it upheld the decision regarding the retirement age, it found the seniority rules imposed by the high court to be problematic and severable from the main ruling. So the significance of the case is one, promotion of gender equality. Obviously, this case is significant in promoting gender equality in the workplace, particularly in industries where women are underrepresented in leadership and operational role. It has a significance vis-a-vis the judicial precedent.

The ruling sets a precedent for future cases, if you ask me, involving employment discrimination based on gender, reinforcing the judiciary's role in protecting workers'

rights. It has a significance with respect to the impact on corporate policies. The decisions compel Air India and similar corporations to reassess their employment policies to ensure compliance with the constitutional mandates regarding equality and non-discrimination. So if you ask me to conclude this particular case, Air India Cabin Crew Association v. Union of India 2018 case is inevitably a landmark ruling that highlights the importance of gender equality in employment practices. It reinforces the need for corporations to actually eliminate all the discriminatory policies and ensure that all the employees regardless of gender are treated equitably in the terms of their employment.

conditions and opportunities. So this case serves as a critical reference point for labour rights and gender equality in the Indian legal landscape. So my intention was to give you some practical inputs into how the legal landscape is changing with respect to the different laws, with respect to different acts. So over the past 10, 11 modules, you have seen that we have tried to give you a certain level of theoretical understanding. Whatever be the acts, the list has been given.

But based on that acts, how the Supreme Court ruling or a high court ruling or whatever the court rulings have taken place, how it has modified the legal landscape. Please note one thing. When it comes to the ruling, the intent is significant. We have seen this. When you are looking into the compensation, when you are looking into the working conditions, when you are looking into gender equality, whether the intent is being carried forward.

Whether the intent is being underscored, that is important. So the whole ruling is based on the intent. The spirit of the law gets the importance. And this is what you have to understand when you deal with a subject like labor welfare and industrial relations. Thank you for listening to me patiently.

See you in the next class. Till then, take care. Bye-bye. Thank you.