

SUBJECT INDEX

ADJUDICATION

- adjudicating bodies and, 260
- compulsory, 228, 232
- reference of disputes to boards, courts or tribunals, 257
- refusal to refer, government's power of, 280, 713
- reference of disputes to a national tribunal, 259
- technicalities of the Indian Evidence Act and, 260

ARBITRATION

- agreements under Industrial Disputes Act, s.17-A and, 236
- interpretation of provision of, award, 237
- judicial superintendence on arbitrator, 240
- penalty for breach of, award, 236
- power of arbitrator, 246, 249
- recommendations of I.L.O., 232
- reference of dispute to, 232
- rules for the form of, agreement, 237
- s.10-A of Industrial Disputes Act, 233

- s.11-A meaning of, 255
- nature and scope of labour court under, 608-615
- whether prospective or retrospective?, 608
- voluntary, 232

CLOSURE

- definition of, 487
- distinction between lock-out and, 715
- section 25-0
- procedure for, 487
- penalty for non-compliance with the provisions of, 488

COLLECTIVE BARGAINING

- advantages of, 54
- bargaining power and, 56
- bargaining process and, 54
- constitutional provisions for, 52
- contents of, contracts, 59
- disadvantages of, 54
- duration of, 58
- enforcement of agreements and, 60

CONCILIATION

- appointment of, officers, 229

- duties of board of conciliators in, 228
- duties of, officers, 229-230
- failure of, 229
- mode of settlement of disputes in India and, 228
- prohibition of strike or lock-out, 231
- public utility services and proceedings of, 231
- when, proceedings begin, 230
- working of, in India, 229
- working of, in Sweden, 229
- CONSTITUTION OF INDIA**
- distribution of powers under, 67
- freedom of speech and assembly, 89
- labour relations scheme under, 67
- limitation on legislative competency, 70
- provisions relating to appeals from awards, 71
- provisions setting-out-goal values, 70
- right to equal protection, 80
- right to form union, 86
- right to have collective bargaining, 86
- tribunals constituted under Art. 136(1) are courts or not? 235
- EMPLOYER**
- Industrial Disputes Act and, 196
- meaning of, 130
- EXECUTION OF EXISTING RIGHTS**
- Industrial Disputes Act, section 33 (c) (2)
- scope of, 549
- difference between s.36-A and, 550
- s.33-C (1) and, 550
- jurisdiction of labour court, 554, 555, 557, 559
- Payment of Wages Act, section 15
- jurisdiction of the authority under, 552
- GHERAO**
- labour problems, 413
- law and order problem, 413
- meaning of, 411
- peaceful, 413
- tripartite standing labour committee resolution on, 411, 412
- violent, 413
- INDIVIDUAL DISPUTES AND INDUSTRIAL DISPUTES**
- distinguished from, 200, 223
- individual dispute whether an, 200-202, 208-210
- industrial dispute. definition of, 200
- INDUSTRY**
- charitable institution, whether an, 156
- club, whether an, 139, 159
- co-operative society, whether an, 159
- definition of, 119
- educational institution, whether an, 120, 135, 155
- hospital, whether an, 120, 121, 127, 142
- municipality, whether an, 123, 133
- pinjrapole, whether an, 144
- research institution, whether an, 158
- solicitor's firm, whether an, 131,

154

LAY-OFF

- compensation for, 419,420, 426
- definition of, 393, 419
- distinguished from lock out, 420
- distinguished from retrenchment, 420
- industrial dispute, when arises, 427
- occurs in continuing business, 394
- prohibition on, 420
- scheme and object of compensation, 432

LOCK-OUTS

- as employers' weapon, 394, 406, 410
- declaration of, 362
- definition of, under s.2(1), of Industrial Disputes Act, 362, 393, 394, 398, 406
- definition of under s.3, of Bombay Industrial Relations Act, 409
- discharge and, 401, 402
- distinction between closure and, 404, 715

MISCONDUCT

- disciplinary action for, 563
- dismissal of employee for, 569
- disobedience, 564
- fraud in relation to employer's business, 564
- gravity of, and punishment, 566
- habitual absence, 564
- habitual negligence, 564
- illegal gratification, 564
- riotous or disorderly behaviour, 564
- striking work, 564

what is, 564

wilful damage, 564

wilful insubordination, 564

NATIONAL COMMISSION ON LABOUR

- code of discipline, 357-360
- grievance procedure, 353-356
- observations of, 352
- recommendations of, 49-50, 61, 226,331

NOTICE OF CHANGE (S.9-A)

- definition of, 538
- effect of, 539

REGULATION OF MANAGEMENT'S PREROGATIVE

- alterations in conditions of service, 503
- conditions of service etc., to remain unchanged, 50
- discharge dismissal for misconduct, 503
- meaning, scope and effect of sections 33&33A, 505
- nature of the restrictions in regard to protected workmen, 504
- remedy to an aggrieved workman, 504

REINSTATEMENT

- appropriate relief in lieu of, 717
- discretion of tribunal, in, 566
- relief of, 571

RETRENCHMENT

- bonafide closure of business and, 443
- conditions precedent to, 424
- definition of, 423
- difference from lay-off, 420
- last come, first go rule and, 423
- lock-out and, 401
- meaning of, 401, 444

- validity of, 127
 what is, 420
- STANDING ORDERS**
- certifying officers
 role and 676, 679, 687
 jurisdiction of, 680, 681
 consent of the employees and
 certification of, 681
 constitution of, 676
 duration of, 679
 inconvenient, 679
 Industrial Employment
 (Standing Orders) Act,
 1946, provisions of,
 676
 Labour Investigation Commit-
 tee's report and, 675
 unreasonable, 679
- STRIKES**
- civil trespass and entry of stri-
 kers in bank premises, 364
 classification of, 363
 during the pendency of proceed-
 ings and, 374, 379
 emoluments for, period, 387, 391,
 392
 evil effects of, 361
 illegal, definition of, 383
 limitations on, 363
 meaning of, 361
 pendown, in India, 366
 regulation of, by Industrial
 Disputes Act, 361, 362
 right to go on, under Constitu-
 tion of India, 86
 use of, 361-392
 what is called, 362
- TERMINATION OF SERVICE**
- Model Standing Orders, excerpts
 of, 563-566
- when tribunal can interfere, 575-
 76, 592
 on loss of confidence, 601, 719
- TRADE UNIONS**
- conspiracy, tort of, 40, 41
 definition of, 4
 immunity from criminal and civil
 action, 25
 Industrial Relation Act, 1974,
 provision of, 54
 laissez faire doctrine, 40
 locus standi of, 47
 Maharastra Recognition of
 Trade Unions and Prevention
 of Unfair Labour Practices
 Act, 1971, s.20(2),
 validity of 708
 power to expel, 50
 registering changes in the office-
 bearers, procedure for, 18
 registration of, 2
 Trade Unions Act, 1926, 2
 Trade Unions (Amendment)
 Bill, 1982, provisions of, 14
 Trade Union and Labour Rela-
 tions Act, 1974, s. 14 provi-
 sions of, 29
 union members, statutory
 unities for, 39
 unlawful intimidation, 38
- TRIBUNALS**
- Art. 136(1) of Constitution of
 India and, 235
 condition precedent for, being
 court, 235-236
 court in technical sense whether,
 235
 function of, 296
 industrial, functions and duties
 of, 235

powers of, 295
 whether arbitrators are, 234
 whether appeal can be from,
 award, 290

TRIPARTISM

fifteenth and sixteenth Indian
 labour conferences, 63

Gandhiji's approach to industrial
 disputes and, 66

meaning of, 62

standing labour committee and,
 36

true resolution of 1947, 62

UNFAIR LABOUR PRACTICES

definition of, 637

on the part of employers and
 trade unions of workmen,
 639-640

on the part of employers and
 trade unions of employers,
 637-639

VICTIMISATION

definition of, 661

meaning of, 662

onus for, lies with whom, 661

power of labour tribunal in, 661

what is, 644, 646

wrong done by others and, 644

WORKS COMMITTEES

causes for the establishment of,
 224

duties and functions of, 225

how to constitute, 224

introduction in India, 224

jurisdiction of, 228

purpose of, 225

right of union official to attend
 meeting of, 227

WORKMAN

definition of, under Industrial
 Disputes Act, 166-167, 193

members of an agaria's family
 whether, 179-185

teachers employed by educa-
 tional institutions whether, 135

who is a, 170, 174, 185, 711

whose employee, 174-178-190,
 711

