

Handbook of Industrial Law

N.D. KAPOOR



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HANDBOOK OF
INDUSTRIAL LAW
(for M.Com., M.B.A., M.S.W., LL.B. Examinations)

N.D. KAPOOR

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SULTAN CHAND & SONS®
Educational Publishers
New Delhi

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Educational Publishers

23, Daryaganj, New Delhi-110 002

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Fax : 011-23266357; Website: www.sultanchandandsons.com

ISBN : 978-81-982259-1-7 (TC 298)

Price : ₹ 695.00

1st Edition: 1975

14th Revised and Enlarged Edition: 2011

15th Revised Edition: 2026

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Author's Acknowledgement: The writing of a Textbook always involves creation of a huge debt towards innumerable author's and publications. We owe our gratitude to all of them. We acknowledge our indebtedness in extensive footnotes throughout the book. If, for any reason, any acknowledgement has been left out we beg to be excused. We assure to carry out correction in the subsequent edition, as and when it is known.

Preface

To the Fifteenth Edition

It gives us great pleasure to present the Fifteenth Revised Edition of “*Handbook of Industrial Law*”. Over the years, this book has earned the trust and appreciation of students, teachers, and professionals across the country. With each edition, sincere efforts have been made to keep the content up to date with the latest legal developments in the field of industrial and labour law. This revised edition continues that effort with updated content, improved structure, and enhanced academic value.

This edition has been meticulously updated by the *Editorial Team at Sultan Chand & Sons to incorporate all important legislative amendments, statutory changes, and government notifications up to March 2025*. A key feature of this edition is the inclusion of *actual case laws decided by the Supreme Court and various High Courts*, which have been explained in a clear and accessible manner to support both academic learning and practical application.

As India moves towards the implementation of four labour codes aimed at simplifying and consolidating labour legislation, the importance of the existing labour laws continues for academic, professional, and compliance purposes. This edition provides detailed explanations of major statutes such as the *Factories Act, Industrial Disputes Act, Employees’ Compensation Act, Employees’ State Insurance Act, Employees’ Provident Funds Act, Payment of Wages Act, Minimum Wages Act, Payment of Bonus Act, Maternity Benefit Act*, and others. Where appropriate, relevant comparisons with provisions of the upcoming labour codes have also been included.

The content has been revised not only to ensure legal accuracy but also to maintain clarity and ease of understanding. Written in *simple yet professional language*, this book is especially useful for students pursuing *B.Com., M.Com., M.B.A., LL.B., M.S.W.*, and other professional or competitive courses. It also serves as a valuable reference for *advocates, chartered accountants, company secretaries, HR professionals, labour consultants, and trade union representatives*.

The structure of the book has been refined to improve its readability and usefulness. Important provisions are explained with the help of practical illustrations, judicial interpretations, and updated statutory references to help readers understand both the theoretical and practical aspects of industrial law.

We sincerely thank all readers, educators, and professionals whose support and suggestions have contributed to the continued success of this work. We also appreciate the efforts of our editorial team

in ensuring that this edition maintains the high standards associated with this publication. We hope this thoroughly revised edition will continue to serve as a reliable guide for all those interested in understanding and applying the principles of industrial law in India.

Editorial Team
Sultan Chand & Sons

To the Fourteenth Edition

The present edition incorporates the latest amendments in the following statutes:

1. The Employees Compensation Act, 1923
2. The Employees State Insurance Act, 1948, w.e.f., 1-5-2010,
3. The Payment of Gratuity Act, 1972, w.e.f. 24-5-2010.

It covers the MBA Course of the Faculty of Management Studies and MCom Course of Delhi University, Post Graduate Diploma in Labour Laws of the Indian Law Institute (Deemed University) and Courses of many other prominent business schools and management institutes of the country, the postgraduate students in universities and professional bodies and CS Course of the Institute of Company Secretaries of India. The book would be of use also to legal practitioners, chartered accountants, company secretaries, cost accountants, managers, law officers, employers, employees, and trade unions in the country.

August 1, 2011

AUTHOR

To the Eighth Edition

The present edition incorporates the latest cases on the subject (and their number runs into more than 250) and the latest amendments made to the Statutes. The Factories (Amendment) Act, 1987, the Employees' Provident Funds and Miscellaneous Provisions (Amendment) Act, 1988, the Maternity Benefit (Amendment) Act, 1988 and the Employees' State Insurance (Amendment) Act, 1989, passed since the appearance of the last edition, have been fully incorporated into the text.

The following two new Acts have also been included in this edition:

1. The Contract Labour (Regulation and Abolition) Act, 1970.
2. The Equal Remuneration Act, 1976.

The present edition of the book is a vast improvement over the earlier ones in three respects:

First, a marathon exercise has been undertaken to effect economy in the volume of the book by pruning inessential details and deleting matter which was redundant and repetitive in nature. This has resulted in almost rewriting the book.

Secondly, and as a corollary to the first, the readability of the book has been improved.

Thirdly, to recapitulate the contents, each paragraph in the book has been given a heading in italics which gives the gist of that paragraph.

March 1, 1990

N.D. KAPOOR

To the Fifth Edition

In Bangalore Water Supply & Sewerage Board u. A. Rajappa & Others, A.I.R. (1978) S.C. 548, a judgment of far-reaching importance, the Supreme Court has given a wide amplitude to the meaning of the term 'industry' so as to bring within its scope clubs, educational and research institutions and charitable projects. The issue before the Court was whether the activities of institutions ranging from the Bangalore Water Supply and Sewerage Board to the Gandhi Ashram were such as to come within the scope of the term 'industry' as defined in Section 2(j) of the Industrial Disputes Act, 1947.

In the present edition the implications of the above judgment have been taken note of fully.

October 19, 1983

N.D. KAPOOR

To the First Edition

The basic pillars on which superstructure of industry is built are labour and capital. A proper understanding and co-operation between the two is a fundamental pre-requisite for the successful operation of industry. But it should also be understood that a worker of today is different from that of yesterday in many respects. Today he is more conscious politically than before, more articulate in his criticism of the existing order and more sensitive to his conditions of work at the 'workplace' and economic hardships at his home. Basically because he has not yet reached a standard which he considers satisfactory, his inclination is primarily to struggle for his rights. He, therefore, naturally turns to a trade union for fulfilment of his aspirations. He is also convinced that strength lies in his union. Disputes, therefore, quite often arise. These disputes between employers and workers have of late taken a legalistic orientation mainly because of emphasis on adjudication by industrial tribunals and Courts.

Any industrialist who is ignorant of the existing legislative provisions relating to wages, fixation of minimum wages, health, safety, welfare, training of workers, compensation to workers in case of accidents, settlement of industrial disputes, provident funds, bonus, trade unions, the records to be maintained by him under various Acts, returns to be filed with different authorities, will find himself in the wilderness. The object of this book is to acquaint him with the basic principles of industrial and labour laws in an easily intelligible language and in as logical an order as possible. A basic understanding of the fundamental principles and how they apply to certain problems will enable him in avoiding conflict with labour and creating a congenial atmosphere in the 'work-place' which would not only benefit the other partner in the industry, *i.e.*, labour, but also in return add to his prosperity. thus increasing the welfare of the nation.

The subject has been discussed in the light of the Statute Law and ratio decidendi. Latest amendments to the various Acts and relevant case law have been incorporated in the book.

May 19, 1975

N.D. KAPOOR

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ISBN 978-81-982259-1-7



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