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Court : Karnataka

Decided On : Sep-30-1955

Reported in : (1956)ILLJ571Kant

Judge : E.S. Venkataramiah, C.J.

Acts : Constitution of India - Article 227; Industries (Development and Regulation) Act, 1951; Industrial Disputes Act - Sections 2, 10 and 12(5)

Appeal No. : Civil Petition No. 49 of 1955

Appellant : Firebricks and Potteries Ltd.

Respondent : Firebricks and Potteries Ltd., Workers' Union

Judgement :

Venkataramayya, C.J.

1. This is an application under Art. 227 of the Constitution of India for cancelling a reference made by the state Government of certain disputes between the petitioner and the respondent to the industrial tribunal. The concern in which the dispute has arises being a 'controlled industry,' it is alleged that only the Central Government and not the State Government is competent to make the reference. A list of controlled industries is given in the schedule to the Industries (Development

and Regulation) Act, 1951, and item 37 therein is said to apply to the business of which the petitioners are managers and respondents are employees.

2. The reference purports to be under Ss. 10 and 12(5), Industrial Disputes Act, and the authority to make the reference is given in these to the appropriate Government. 'Appropriate Government' is defined in S. 2(a) thus :

(a) 'Appropriate Government' means -

(i) in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government or by a railway company or concerning any such controlled industry as may be specified in this behalf by the Central Government or in relation to an industrial dispute concerning a banking company or insurance company, a mine, an oilfield or a major port, the Central Government, and

(ii) in relation to any other industrial dispute, the State Government.

According to the definition one of the conditions necessary for a reference by the Central Government is the existence of a dispute in an industry carried on under its authority or a 'controlled industry.'

If nothing more is required the words 'specified in this behalf' in the section would be superfluous or else the words signify a further condition. The rule applied to construction of statutes is to give effect to everything expressed therein and not to treat any of the words as redundant or unmanning. There is no need to depart from the normal principle of interpretation as it is possible and reasonable to hold that the words denote a further condition of a specification by which the Central Government reserves authority for making a reference. The learned Advocate-General has pointed out a notification in which such industries are specified The Central Government has not specified the industries to which the reference relates as on reserved by it. Industries of the kind mentioned in the schedule of the Industries (Development and Regulation) Act, 1951, are many and have sprung up in several parts of India and disputes between the management and workers are a frequent occurrence. It is not likely that the Central Government intended to

determine the means of setting all these; and the words emphasize this by provoking that the industries in which it will exercise jurisdiction are to be specified.

3. Even so, Sri Ullal contended that the section is illegal and unconstitutional as it enables the executive to have power or discretion which may be exercised arbitrarily uncontrolled by any guiding principles and that it also gives scope for discrimination. The section no doubt allows the Central Government option to treat the settlement of disputes in some industries as its exclusive concern.

4. Such delegation is not peculiar to this Act and is found in other Acts too as the legislature cannot ascertain or anticipate the conditions and circumstances pertaining to the numerous industries in the country with the facility and advantage the Government has. If as a result of the specification the reference in some cases is to be made by the Central Government, it cannot be said that there is differentiation in a matter of substance or that the principle of equality under Art. 14 of the Constitution or rule relating to delegation is contravened. Contentions similar to these about provisions of the Minimum Wages Act were rejected by the Supreme Court in Edward Mills Company., Ltd. Beawar v. State of Ajmere : (1954)IILLJ686SC with the observation :

'The legislature undoubtedly intended to apply this Act not to all industries . . . It is with an eye been drawn up in the schedule to the Act but the list is not an exhaustive one and it is the policy of the legislature not to lay down at once and for all time to which industries the Act should be applied. Conditions of labour vary under different circumstances and from State to State and the expediency of including a particular trader or industry within the schedule depends on a variety of fact which are by no means uniform and which can best be ascertained by the person who is placed in charge of the administration of the State.'

Art. 227 confers on this Court powers of superintendence and control over subordinate tribunals. But these are powers to be exercised under exceptional circumstances. This is not a case which calls for exercise of such powers.

5. The petition is therefore dismissed but without costs.

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