

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.4658/2009

STATE OF M.P. & ANR.

Appellant(s)

VERSUS

M.P. TRANSPORT WORKERS FEDN.

Respondent(s)

WITH

C.A. No. 7613/2009 (IV-A)

J U D G M E N T

SANJAY KISHAN KAUL, J.

1. The Labour Bar Association, Satna and M.P. Transport Workers Federation sought to assail the provisions of the Madhya Pradesh Labour Laws (Amendment) and Misc. Provisions Act, 2002 (for short 'the Amendment') enforced by Notification dated 5.8.2005 as *ultra vires* the provisions of Article 14 of the Constitution. The history to the dispute is that the power to try offences under labour laws was conferred on the Labour Courts vide Madhya Pradesh Amendment Act No.43 of 1981, as against the regular criminal Courts. That process was sought to be reversed by the Amendment which was assailed. The rationale was stated to be that the Labour Courts were already burdened and thus, did not have time to adjudicate

even the disputes arising out of the Industrial Disputes Act, 1947 and the M.P. Industrial Relations Act, 1960. On the other hand, the parties assailing the said Amendment canvassed that the object of shifting the trial of criminal cases relating to labour disputes to Labour Courts had been conferred by Legislation for promoting industrial harmony.

2. In terms of an elaborate judgment of over fifty pages this Amendment was struck down primarily on the ground that Article 21 gave a right for speedy justice and the Amendment in a way took away this right of speedy justice.

3. We have heard learned counsel for the State and since none appeared for the respondents, we deemed it appropriate to appoint Mr. V. Giri, learned senior counsel as Amicus Curiae to assist us in the matter. Thus, we have the benefit even of his submissions.

4. We may note the fact that such criminal offences relating to labour laws of almost 16 statutes were being tried by the criminal Courts till 1981. Thus, the experiment of assigning these cases to the Labour Courts was carried from that year till 2002. The matters were transferred to the criminal Courts as a sequitur to the Amendment of 2002, till the said Amendment was struck down by the impugned order dated 01.08.2008.

5. On the appellant-State approaching this Court,

notice was issued on 06.01.2009 and the operation of the impugned order was stayed. Leave was granted on 20.07.2009 and the interim order was made absolute. The result is that the criminal Courts continued to try the offences relating to labour disputes even during the last 11 years.

6. We have to be conscious of the fact that we are debating the legality of a Legislation which has passed the muster of the elected Legislative Assembly and has received the assent of the President of India. The scope of challenge to such a Legislation is within a limited domain i.e. on the twin test of (1) lack of Legislative competence and (2) violation of any of Fundamental Rights guaranteed in Part III of the Constitution of India. This principle of law has been repeatedly emphasized by this Court in *Greater Bombay Co-operative Bank Ltd. v. United Yarn Tex (P) Ltd*¹. In the facts of the present case, there is no doubt about the Legislative competence and thus, it is only the second aspect which has to be examined. The impugned judgment seeks to bring the challenge within the window of Article 21 of the Constitution of India, under the right to speedy trial.

7. Actually what has been done is that the cases which ought to have been tried by the regular criminal Courts were sought to be transferred to the Labour Courts by the Amendment of 1981 and only that process was sought to be

reversed by the impugned Amendment of 2002. Thus, in the wisdom of the Legislature, the process would be better served by maintaining the regular criminal Courts as a forum for adjudication of such disputes which have a criminal aspect, relating to the identical 16 labour law statutes. It is not the function of this Court to test the wisdom of the Legislature and substitute its mind with the same, as has been reiterated in the cases of *State of Andhra Pradesh & Ors. v. McDowell & Co. & Ors.*². & *Mylapore Club v. State of Tamil Nadu*³. It is for the Legislature to weigh this aspect as to what would be the appropriate method for providing expeditious justice to the common man - an aspect which would be common both to the wisdom of the Legislature and of the judiciary.

8. The process as evolved shows that the system, as it is, is working in the criminal Courts for the last more than a decade and no grievance has been made about the same. The absence of any representation on behalf of the respondent(s) further gives credence to this reasoning.

9. We are of the view that it is really not possible to sustain the impugned order which is accordingly set aside and the provisions of Madhya Pradesh Labour Laws (Amendment) & Misc. Provisions Act, 2002 are upheld.

10. The appeals are accordingly allowed leaving the parties to bear their own costs.

² (1996) 3 SCC 709

³ (2005) 12 SCC 752

11. We appreciate the assistance rendered by Mr. V. Giri, learned Amicus Curiae.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[K.M. JOSEPH]

NEW DELHI;
JANUARY 29, 2020.

ITEM NO.103 REVISÉ SECTION IV-A
COURT NO.11
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 4658/2009

STATE OF M.P. AND ANR. Appellant(s)

VERSUS

M.P.TRANSPORT WORKERS FEDN. Respondent(s)
([RETAIN ITS POSITION])

WITH
C.A. No. 7613/2009 (IV-A)

Date : 29-01-2020 These appeals were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s) Mr. Prashant Kumar, AAG
Mr. Harsh Parashar, AOR
Mr. Chanakya Sharma, Adv.
Ms. Tanvi Bhatnagar, Adv.
Mr. Rahul Kaushik, AOR

For Respondent(s) Mr. V. Giri, Sr. Adv. Amicus Curiae

UPON hearing the counsel the Court made the following
O R D E R

The appeals are allowed in terms of the signed reportable judgment.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
A.R. -cum-P.S.

(ANITA RANI AHUJA)
COURT MASTER

[Corrected signed reportable judgment is placed on the file]

REPORTABLE**IN THE SUPREME COURT OF INDIA****CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NO.4658/2009****STATE OF M.P. & ANR.****Appellant(s)****VERSUS****M.P.TRANSPORT WORKERS FEDN.****Respondent(s)****WITH****C.A. No. 7613/2009 (IV-A)****J U D G M E N T****SANJAY KISHAN KAUL, J.**

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5. On the appellant-State approaching this Court,

notice was issued on 06.01.2009 and the operation of the impugned order was stayed. Leave was granted on 20.07.2009 and the interim order was made absolute. The result is that the criminal Courts continued to try the offences relating to labour disputes even during the last 11 years.

6. We have to be conscious of the fact that we are debating the legality of a Legislation which has passed the muster of the elected Legislative Assembly and has received the assent of the President of India. The scope of challenge to such a Legislation is within a limited domain i.e. on the twin test of (1) lack of Legislative competence and (2) violation of any of Fundamental Rights guaranteed in Part III of the Constitution of India. This principle of law has been repeatedly emphasized by this Court in *Greater Bombay Co-operative Bank Ltd. v. United Yarn Tex (P) Ltd*⁴. In the facts of the present case, there is no doubt about the Legislative competence and thus, it is only the second aspect which has to be examined. The impugned judgment seeks to bring the challenge within the window of Article 21 of the Constitution of India, under the right to speedy trial.

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10. The appeals are accordingly allowed leaving the parties to bear their own costs.

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.....J.
[SANJAY KISHAN KAUL]

.....J.
[K.M. JOSEPH]

NEW DELHI;
JANUARY 29, 2020.

ITEM NO.103

COURT NO.11

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 4658/2009

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Mr. Harsh Parashar, AOR
Mr. Chanakya Sharma, Adv.
Ms. Tanvi Bhatnagar, Adv.
Mr. Rahul Kaushik, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The appeals are allowed in terms of the signed reportable judgment.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)
A.R. -cum-P.S.

(ANITA RANI AHUJA)
COURT MASTER

[Signed reportable judgment is placed on the file]