

Select Bibliography*

Raghavendra Prasad V.

Legal Officer

1. B. Padmanabha Holla, "C.P.C. Amendments And Their Effect," AIR 2000 Journal 142 —discusses the amendments recently introduced to C.P.C. and opines that litigants are the persons most affected by the amendments.
2. D. Varadarajan, "Relevance of 'Registered Office' and 'Cause of Action' Vis-a-vis Jurisdiction of Civil Courts," (2000) 26 SCL 95 (Magazine) —analyses critically the jurisprudential development vis-a-vis 'cause of action' linked to the 'registered office' of a company and the judicial guidelines for grant of *ex-parte* injunctions.
3. G.P. Bhatia, "Can an Arbitrator's Award Override the Statutory Provisions?," 2000 Lab. I.C. 81 (Journal) — examines the legal provisions relating to award under the Industrial Disputes Act, 1947 and examines the case of *N.S. Giri vs. Corporation of City of Mangalore*, 1999 Lab. I.C. 1982; AIR 1999 SC 1958, which has restricted the powers of an arbitrator appointed under Section 10-A of the I.D. Act in passing award inconsistent with the Statutory Provisions. The Apex Court has overruled its own Judgement in *LIC vs. D.J. Bahadur*, AIR 1980 SC 2181 wherein it was held that the terms of settlement arrived under the I.D. Act should prevail over the provisions of the LIC Act. Overruling the decision in *Giri's case* *ibid*, the Apex Court made it clear that an industrial settlement cannot override statutory provisions.
4. Justice R.K. Mahajan, "Strike/Boycott of Courts By Lawyers And Amendment in CPC etc. — Justification?," AIR 2000 Journal 89 — analyses on the observations of the Apex Court that strike by lawyers is undesirable and they cannot go on strike except in the rarest of rare cases in the light of the recent incidents of strike/boycott by lawyers in the wake of the proposed amendments to the CPC. However the author believes that there is no other alternative in a democracy except to get his grievance heard through protest by organised peaceful processions etc.
5. M.S. Rana, "Powers of the Appropriate Government Under Section 10(1) of the Industrial Disputes Act, 1947 in Relation to Belated Disputes in the Light of the Judgement of the Supreme Court in *Ajaib Singh's case* : AIR 1999 SC 1351", 2000 Lab. I.C. 87 (Journal) — examines the provisions of Section 10(1) of the I.D. Act, 1947 which gives power to the appropriate Government to refer a dispute by order in writing for adjudication to a Labour Court or Tribunal in the light of the Supreme Court's recent judgement in *Ajaib Singh's case* *ibid* which has overruled the P & H High Court's decision in *Ram Chander Morya vs. State of Haryana* (1999) 1 SCT 141 wherein it was held that "reasonable time in the case of labour for demand of reference or dispute by appropriate Government of Labour Tribunals will be five years after which the Government can refuse to make a reference on the ground of delay and laches if there is no explanation to the delay". Observes that the latest judgement of the Supreme Court in *Ajaib Singh's case* cannot be treated as a binding precedent in view of the decision of the Constitution Bench of the Supreme Court in the case of *Union of India vs. Raghubir Singh* AIR 1989 SC 1933.

6. M. Yashasvi, "The Definition of Industry —Back to Square one", 2000 Lab. I.C. 120 (Journal) — discusses comprehensively the definition of the term 'industry' under Section 2 (j) of the Industrial Disputes Act, 1947 in the light of The Division Bench decision of the Supreme Court in

Coir Board, Ernakulam vs. Indira Devi P.S. AIR 1998 SC 2801, which has called for a reconsideration of *Rajappa's* case.

7. P.M. Bakshi, "Legal Protection of Database", (2000) 25 SCL 9 (Magazine) — explains the concept of database and discusses some of the core issues arising out of the necessity for its legal protection.

8. P.R. Rakshit, "Conciliation Officer — a Toothless Tiger Under I.D. Act 1947 — A Realistic and Legalistic Approach", 2000 Lab. I.C. 97 (Journal) — examines the legal provisions relating to appointment, powers and duties of Conciliation Officer under Sections 4, 11 and 12 of the I.D. Act and focusses on the circumstances where the Conciliation Officer cannot command the management to reinstate the workman in services or issue any direction where workman has been wrongly removed from services by the employer.

9. Pradnyesh G. Sabnis, "Penal Liability for Mismanagement", (2000) 25 SCL 103 (Magazine) — elucidates the concept of mismanagement and points out that though there exists, certain provisions in the Companies Act, 1956 to deal with instances of mismanagement on the part of directors, there is no provision therein making it a criminal offence. Opines that there is the need for incorporating a provision for penal liability of directors for mismanagement.

10. R.S. Gae, "Payment of Dividend Within Thirty Days", (2000)26 SCL 89 (Magazine) — examines and discusses the concept of declaration, distribution and payment of dividend and highlights the difficulties that are likely to arise for the company by reducing the period of distribution of dividend from 42 days to 30 days under Clause 87 of the Companies (Second Amendment) Bill, 1999 introduced in the Lok Sabha on December 23, 1999.

11. Sanjiv Agarwal, "Corporate Governance : The New Corporate Imperative", (2000) 25 SCL 110 (Magazine) — elucidates the concept of corporate governance, legal and regulatory framework, and management of corporate governance in the Indian context and elaborates briefly the CII Code, UTI Code and SEBI Code (the Kumaramangalam Birla Report) dealing with norms of corporate governance for transparency/ disclosures.

12. Shantimal Jain, "Labour Court Not Bull in China Shop", 2000 Lab. I.C. 104 (Journal) —explains with the help of judicial decisions the powers of the labour court under Section 11A of the I.D. Act, 1947 to interfere with the management decision to dismiss, discharge or terminate the service of a workman.

13. Shantimal Jain, "Fallouts of Haryana State Electricity Board Case", 2000 Lab. I.C. 125 (Journal) — discusses the legal position on the point of contract labour in the light of Haryana State Electricity Board wherein the Court ruled that where the contractor is only a name lender, a broker or an agent for procuring labour, without license and the principal employer without requisite registration under the Act, the concept of veil lifting by Court will surface and the intermediary contractor vanishes and along with him vanishes the term Principal without resort to the provisions of Section 10 of the Act.

14. Surendra U. Kanstiya, “PF Scheme Member is a Consumer,” (2000) 26 SCL 101 (Magazine) 101 — brief note on the decision of the Supreme Court in Regional Provident Fund Commissioner vs. Shiv Kumar Joshi (2000) 24 SCL 46 (SC) wherein it was held that an employee- member of the Employee’s Provident Fund Scheme is a ‘consumer’ and the ‘scheme’ a ‘service’ under the Consumer Protection Act, 1986.

* **Ed. Note :** This section covers articles on banking, and other areas of the law relevant to bankers like industrial law and company law.