

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 812 OF 2005**

IN THE MATTER:

Superintending Engineer, U. B. D. C. Circle & Ors.

... Petitioners

v.

Paramjit Singh (Dead) Thr. Lrs.

... Respondent

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**NOTE BY MR. SHADAN FARASAT, SENIOR ADVOCATE, ON BEHALF OF
THE PETITIONERS – STATE OF PUNJAB**

A. The triple test in BWS is not as much wrong as it is incomplete

1. It is submitted that the Triple Test noted in Para 140 (a) of *Bangalore Water Supply & Sewerage Board*, (1978) 2 SCC 213 @ 282, is not *per se* **wrong** but is rather **incomplete** because it does not have sufficient limiting principles. This, therefore, leads to an over-inclusion of areas of economic activity within the definition of ‘industry’.
2. The solution we propose is to retain the Triple Test, and further add two limiting principles to it. These principles, it is respectfully submitted, will cure this problem of over-inclusion.
3. The two additional tests are:
 - a. The enterprise/entity must be an entity with a commercial objective or at least an entity with objectives analogous to trade and business in a commercial sense.
(The underlined above is borrowed verbatim from para 21 of the 6 judge judgment in *Management of Safdarjung Hospital v. Kuldip Singh Sethi*, (1970) 1 SCC 735).
 - b. Industry is limited to services that primarily operate through physical/manual labour.

B. Rationale for the above-proposed tests

4. Insofar as the proposed requirement of the commercial objective of the entity is concerned, the same finds sufficient basis in pre-BWSSB judgments; in particular, the judgments that were overruled in para 144 of BWSSB. In fact, for nearly 8 years (1970-1978), the definition of industry was limited to entities of a commercial nature. This

understanding arises from both the textual interpretation of the terms used in the definition of the industries as also, the history and context of the concept of industrial dispute and, finally, the practical demands of the time.

5. Insofar as the proposed second requirement is concerned – limiting the definition of industries to only those services which operate through manual/physical labour – the same flows from: (a) textually, the use of the word ‘*manufacture*’ in the definition of the term ‘*industry*’; (b) applying the principles of *ejusdem generis* and *noscitur a sociis*, only services which require the same demands on labour as manufacturing (namely manual and physical labour) were intended to be covered, since only this limited coverage is practically necessary in today’s complex economy. Today, divergent services exist, and this diversity means different services need not be treated alike (as many of them do not require the raising of industrial disputes).

C. Effect of above-proposed tests

6. Adding the above-two limiting principles will have a significant effect on what enterprises will get classified (or not) as industries.
7. Non-commercial enterprises, whether governmental or private (charitable), will stand excluded from the definition of industries.
8. Professional services of all kinds including lawyers, doctors, chartered accountants, company secretaries, professional consultancies etc. will also stand excluded from the definition of industry.
9. However, where the government enters on a commercial enterprise (either through a PSU or otherwise), such commercial enterprise will be covered by the definition of industry and an industrial dispute can be raised therein.
10. The introduction of the limiting principle of commercial activity will also ensure that all governmental activities which are pursuant to Part IV of the Constitution (DPSP) are *ipso facto* excluded – unless the Government chooses to carry them out on commercial terms either directly or through its agencies. One instance of such activity (that would be covered) is the supply of electricity by the Government at competitive market rates.
11. The incorporation of the above two limits makes it unnecessary to specifically carve out a sovereign function exception or to provide a category-wise list of exclusions. This

is because by limiting the definition itself, each of the exclusions already naturally stands excluded.

12. Narrowing the definition does not leave the service conditions under the excluded portions unattended/unregulated by law. The introduction of the definition leads to three primary exclusions – *first*, non-commercial government function, *second*, professional services such as those provided by lawyers, doctors etc., and *third*, charitable entities. It is respectfully submitted that these entities (and the service conditions therein) are already sufficiently regulated by other laws.
13. As regards government employees, Article 309 along with its Proviso and Entry 70 of List I, 7th Schedule – Union Public Service and Union Public Service Commission – as well as Entry 41 of List II, 7th Schedule – State Public Service, and State Public Service Commission – fully cover the service conditions of all classes of employees, from Class I to Class IV. Article 309 reads as follows:

“309. Recruitment and conditions of service of persons serving the Union or a State

Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State.

*Provided that it shall be competent for the **President** or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the **Governor of a State** or such person as he may direct in the case of services and posts in connection with the affairs of the State, **to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.**”*

Entry 70 of List I, 7th Schedule reads as follows:

“Union Public Service; All-India Services; Union Public Service Commission.”

Entry 41 of List II, 7th Schedule reads as follows:

“State public services; State Public Service Commission.”

14. The power to regulate service conditions through Executive Order in the absence of a rule exists pursuant to the co-terminus power of Central and State Governments through Entry 40 of List I and Entry 71 of List II. Therefore, in effect, there are three layers of protection for employees excluded by the proposed limitations imposed on the definition of “*industry*”: *first*, Statutes and Rules enacted thereunder regulating service conditions; *second*, Article 309 and rules made thereunder; *third*, Executive Orders. Thus, a holistic service law control exists on all grades of government servants, particularly Grades III and IV.
15. Insofar as professional services and charitable organizations are concerned, they are controlled in two ways:
- a. Through narrow, profession-based legislations, such as the following:

Profession	Governing Act
Advocates	Advocates Act, 1961
Dentists	Dental Act, 1948
Medical professionals	National Medical Commission Act, 2019
Chartered Accountants	Chartered Accountants Act, 1949
Company Secretaries	Company Secretaries Act, 1980

- b. Additionally, insofar as these professionals engage non-professionals to supplement their requirements, those non-professionals would also be covered by the Shops and Establishments Acts. As an example, the definition of commercial establishment in the Delhi and West Bengal Acts are as follow respectively:

*“2(5) ‘commercial establishment’ means any premises wherein any trade, business or profession or any work in connection with, or incidental or ancillary thereto is carried on and includes a society registered under the Societies Registration Act, 1860 (21 of 1860), and **charitable or other trust**, whether registered or not, which carries on any business, trade or **profession** or work in connection with, or incidental or ancillary thereto, journalistic and printing establishments, contractors and auditors establishments, quarries and mines not governed by the Mines Act, 1952 (35 of 1952), educational or other institutions run for private gain, and premises in which business of banking, insurance, stocks and shares, brokerage or produce exchange is carried on, but does not include a shop or a factory registered*

under the Factories Act, 1948 (43 of 1948), or theatres, cinemas, restaurants, eating houses, residential hotels, clubs or other places of public amusements or entertainment;”

“2(2) ‘commercial establishment’ means an advertising, commission, forwarding or commercial agency, or a clerical department of a factory or any industrial or commercial undertaking, an insurance company, joint stock company, bank, broker's office or exchange, and establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession, and includes an establishment of any legal practitioner, medical practitioner, architect, engineer, accountant, tax consultant or any other technical or professional consultant, a society registered under any enactment in force for the time being, charitable or other trust, whether registered or not, which carries on, whether for purposes of gain or not, any business, trade or profession or any work in connection with, or incidental or ancillary to any business, trade or profession and such other class or classes of concerns or undertakings as the State Government may, after taking into consideration the nature of their work, by notification, declare to be commercial establishments for the purposes of this Act, but does not include a shop or an establishment for public entertainment or amusement.”

- c. All other states have somewhat similar Acts, with minor differences. These Acts provide substantial protections to a large variety of non-professional employees. The nature of these protections may be found at **Appendix A**. A list of different state enactments may be found at **Appendix B**.

16. Therefore, it is not at all the case that the service conditions in enterprises that are will excluded will be either without statutory/legal control or be purely left to the mercies of the employer. In *BWSSB*, the seven-judge Bench did not examine the regulatory control that already existed with respect to these other areas, and by pure logical extension applied the definition of Industry to these areas even though the field was already occupied by parallel regulatory regimes. In fact, the anxiety of the Court to regulate these areas as industries arose from a non-examination of these parallel regimes. An illustrative list of such regimes may be found at **Appendix C**.

17. It is prayed accordingly.

APPENDIX A

PROTECTION AFFORDED UNDER SHOPS AND ESTABLISHMENTS ACTS

Every Indian state and union territory has its own Shops and Establishments legislation. Admittedly, all Shops and Establishments legislations are not identical; admittedly, some may also exempt certain establishments otherwise covered by the definition. However, even with those qualifications, it is clear that these legislations have a broad sweep. Therefore, employees in such establishments, even if excluded under the Industrial Disputes Act, will still enjoy protections under Shops and Establishments legislations. To illustrate, this Court may consider the provisions of the Tamil Nadu Shops and Establishments Act, 1947, the Delhi Shops and Establishments Act, 1954, and the West Bengal Shops and Establishments Act, 1963.

I. WIDE RANGE OF ESTABLISHMENTS COVERED

An overview of the range of shops/establishments covered by these legislations are as follows:

Tamil Nadu Shops and Establishments Act, 1947

Shop [Sec.2(16)]	Commercial establishments [Sec.2(3)]	Establishments [Sec. 2(6)]
‘shop’ means any premises where any trade or business is carried on or where services are rendered to customers and includes offices, store rooms, godowns and warehouses, whether in the same premises or otherwise, used in connection with such business but does not include a restaurant,	‘commercial establishment’ means an establishment which is not a shop but which carries on the business of advertising, commission, forwarding or commercial agency, or which is a clerical department of a factory or industrial undertaking or which is an insurance company, joint stock company, bank, broker’s office or exchange and includes such other establishments as the State Government may by notification	‘establishment’ means a shop, commercial establishment, restaurant, eating-house, residential hotel, theatre or any place of public amusement or entertainment and includes such establishment as the State Government may by notification declare to be an establishment for the purposes of this Act.

eating-house or commercial establishment;	declare to be a commercial establishment for the purposes of this Act.	
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Delhi Shops and Establishments Act, 1954

Shop [Sec.2(27)]	Commercial establishments [Sec.2(5)]	Establishments [Sec. 2(9)]
<p>'shop' means any premises where goods are sold either by retail or wholesale or where services are rendered to customers, and includes an office, a store-room, godown, warehouse or workhouse or work place, whether in the same premises or otherwise, used in or in connection with such trade or business but does not include a factory or a commercial establishment.</p>	<p>'commercial establishment' means any premises wherein any trade, business or profession or any work in connection with, or incidental or ancillary thereto is carried on and includes a society registered under the Societies Registration Act, 1860 (21 of 1860), and charitable or other trust, whether registered or not, which carries on any business, trade or profession or work in connection with, or incidental or ancillary thereto, journalistic and printing establishments, contractors and auditors establishments, quarries and mines not governed by the Mines Act, 1952 (35 of 1952), educational or other institutions run for private gain, and premises in which business of banking, insurance, stocks and shares, brokerage or produce exchange is carried on, but does not include a shop or a factory registered under the Factories Act, 1948 (43 of 1948),</p>	<p>'establishment' means a shop, a commercial establishment, residential hotel, restaurant, eating-house, theatre or other places of public amusement or entertainment to which this Act applies and includes such other establishment as Government may, by notification in the Official Gazette, declare to be an establishment for the purpose of this Act.</p>

	or theatres, cinemas, restaurants, eating houses, residential hotels, clubs or other places of public amusements or entertainment;	
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West Bengal Shops and Establishments Act, 1963

Shop [Sec.2(13)]	Commercial establishments [Sec.2(2)]	Establishment for public entertainment or amusement [Sec.2(6)]	Establishments [Sec. 2(5)]
'shop' means any premises used wholly or in part for the sale of services to customers or for the wholesale or retail sale of commodities or articles, either for cash or on credit, and includes any offices, store-rooms, godowns or warehouses, whether in the same premises or elsewhere, used in connection with such sale or with the storage of commodities or	'commercial establishment' means an advertising, commission, forwarding or commercial agency, or a clerical department of a factory or any industrial or commercial undertaking, an insurance company, joint stock company, bank, broker's office or exchange, and establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession, and includes an establishment of any legal practitioner, medical practitioner, architect, engineer, accountant, tax	'establishment for public entertainment or amusement' means a hotel, restaurant, eating-house, cafe, cinema, theatre and includes such other class or classes of concerns or undertakings as the State Government may, after taking into consideration	'establishment' means a commercial establishment or an establishment for public entertainment or amusement.

<p>articles for the purpose of such sale and also includes such other class or classes of premises as the State Government may, after taking into consideration the nature of the work carried on there, by notification, declare to be shops for the purposes of this Act, but does not include an establishment.</p>	<p>consultant or any other technical or professional consultant, a society registered under any enactment in force for the time being, charitable or other trust, whether registered or not, which carries on, whether for purposes of gain or not, any business, trade or profession or any work in connection with, or incidental or ancillary to any business, trade or profession and such other class or classes of concerns or undertakings as the State Government may, after taking into consideration the nature of their work, by notification, declare to be commercial establishments for the purposes of this Act, but does not include a shop or an establishment for public entertainment or amusement.</p>	<p>the nature of their work, by notification, declare to be for the purposes of this Act, establishment for public entertainment or amusement, but does not include a shop or a commercial establishment.</p>	
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II. BROAD DEFINITION OF EMPLOYEE

It should also be clarified that such legislations define employee broadly, so as to cover a markedly broader range of employees than under the Industrial Disputes Act (including even those doing supervisory work and work as independent contractors). These individuals continue to be protected under these legislations. Again, for illustrative purposes, this Court may consider the definitions of employee under the same three legislations:

Tamil Nadu Shops and Establishments Act, 1947 [Sec.2(12)]	Delhi Shops and Establishments Act, 1954 [Sec.2(7)]	West Bengal Shops and Establishments Act, 1963 [Sec. 2(10)]
<p>'person employed' means –</p> <p>(i) In the case of a shop, a person wholly or principally employed therein in connection with the business of the shop;</p> <p>(ii) In the case of a factory or an industrial undertaking, a member of the clerical staff employed in such a factory or undertaking;</p> <p>(iii) In the case of a commercial establishment other than a clerical department of a factory or an industrial undertaking, a person wholly or principally employed in connection with the business of the establishment, and includes a peon;</p> <p>(iv) In the case of a restaurant or eating house, a person wholly or principally employed in the preparation or the serving food or drink or in attendance on customers or in cleaning utensils used in the premises or as a clerk or cashier;</p> <p>(v) In the case of a theatre, a person employed as an operator, clerk, door-keeper, usher or in such capacity as may be specified by the State Government by general or special order;</p> <p>(vi) In the case of an establishment not falling under paragraphs (i) to (v) above, a person wholly or principally employed in</p>	<p>'employee' means a person wholly or principally employed, whether directly or otherwise, and whether for wages (payable on permanent, periodical, contract, piece-rate or commission basis) or other consideration, about the business of an establishment and includes an apprentice and any person employed in a factory but not governed by the Factories Act, 1948 (43 of 1948), and for the purpose of any matter regulated by this Act, also includes a person discharged or dismissed whose claims have not been</p>	<p>'person employed' used in relation to a shop or an establishment means a person wholly or principally employed in connection with the business of the shop or the establishment, but does not include an owner of the shop or the establishment or the husband, wife, child, father, mother, brother or sister of such an owner who lives with, and is dependent on, such owner.</p>

<p>connection with the business of the establishment and includes a peon;</p> <p>(vii) In the case of all establishments, a person wholly or principally employed in cleaning any part of the premises; but does not include the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;</p>	settled in accordance with this Act.	
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The clear takeaway, therefore, is that a diverse range of employees – including often even those doing supervisory work or work as a contractor – will be protected under these Acts.

III. SWEEPING NATURE OF PROTECTION FOR EMPLOYEES

These legislations offer a sweeping range of protection to employees. The following table will demonstrate that point with reference to the above-three legislations:

	Tamil Nadu Shops and Establishments Act, 1947	Delhi Shops and Establishments Act, 1954	West Bengal Shops and Establishments Act, 1963
Minimum age of workers	Nobody below the age of fourteen; reduced working hours for individuals between fourteen and eighteen years of age [Sec.2(1), 2(20), 17-19]	Nobody below the age of twelve; reduced working hours for individuals between twelve and eighteen years of age [Sec.2(2), 2(34), 12-14]	Nobody below the age of twelve; reduced working hours for individuals between twelve and eighteen years of age [Sec.2(17), 9, 10]
Maximum hours of employment	No more than nine hours on any day or	No more than nine hours on any day or	No more than eight hours and a half in any one day or for

	forty eight hours in any week [Sec.9, 14]	forty eight hours in any week [Sec.8]	more than forty eight hours in any one week [Sec.7(2)]
Payment of overtime	Cannot exceed ten hours in any day and in the aggregate fifty- four hours in any week, and for overtime double wages [Sec.9, 14, 31]	Cannot exceeding fifty-four hours in any week and aggregate hours so worked cannot exceed 150 hours in a year, and for overtime double wages [Sec.8]	Cannot exceed ten hours in any day and cannot exceed 120 hours in a year, and for overtime double wages [Sec. 7(2), 13]
Opening and closing hours of establishment	Different times to be fixed by Government depending on nature of shop or establishment [Sec.7, 13]	Different times to be fixed by Government depending on nature of shop or establishment [Sec.15]	Different times fixed depending on nature of shop or establishment [Sec. 6, 7]
Weekly holidays	At least one day off a week [Sec.11, 16]	At least one day off a week [Sec.16, 17]	At least one and a half days off a week [Sec.5]
Timely payment of wages	All wages to be paid periodically, cannot exceed a month's time but can be shorter, have to be paid within seven days of expiry of period [Sec.30, 32]	All wages to be paid periodically, cannot exceed a month's time but can be shorter, have to be paid within seven days of expiry of period [Sec.19]	All wages to be paid not later than the tenth day of the next month [Sec.14(1)]
Leave	12 days casual leave and 12 days sick leave annually [Sec.25]	15 days privilege leave and 12 days	14 days privilege leave, 10 days casual leave, and 14

		casual or sick leave annually [Sec.22]	days sick leave on half pay annually [Sec.11]
Conditions of premises	Clean, well-lit premises, with abundant precautions in case of fire [Sec.20-23]	Clean, well-lit premises, with abundant precautions in case of fire [Sec.25-28]	-
Protection regarding dismissal	Reasonable cause, one month's notice or payment in lieu of notice [Sec.41]	One month's notice or payment in lieu of notice [Sec.30]	One month's notice or payment in lieu of notice [Sec.15]
Procedure for disputes	Specific Authority and Appellate Authority [Sec.41]	Suit before Magistrate [Sec.30]	Specific Authority and Appellate Authority [Sec.15]
Appointment and powers of Inspector to ensure compliance	Inspectors to be appointed and to have powers of inspection to ensure compliance [Sec.42, 43]	Inspectors to be appointed and to have powers of inspection to ensure compliance [Sec.36, 37]	Inspectors to be appointed and to have powers of inspection to ensure compliance [Sec.19, 20]

APPENDIX B**LIST OF STATE LEGISLATIONS REGULATING SHOPS AND ESTABLISHMENTS**

1. Andhra Pradesh Shops and Establishments Act, 1988
2. Assam Shops and Establishment Act, 2022
3. Bihar Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2025
4. Chhattisgarh Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017
5. Goa Shops and Establishments Act, 2025
6. Gujarat Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2019
7. Haryana Shops and Establishment Act, 1958
8. Himanchal Pradesh Shops and Commercial Establishments Act, 1969
9. Jharkhand Shops and Establishment Rules, 2001
10. Karnataka Shops and Establishments Act, 1961
11. Kerala Shops and Establishments Act, 1960
12. Madhya Pradesh Shops and Establishments Act, 1958
13. Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017
14. Manipur Shops and Establishment (Regulation of Employment and Conditions of Service) Act, 2021
15. Meghalaya Shops and Establishment Act 2003
16. Mizoram Shops and Establishments Act, 2010
17. Nagaland Shops and Establishments Act, 1982
18. Orissa Shops and Commercial Establishments Act, 1956
19. Punjab Shops & Commercial Establishments Act, 1958
20. Rajasthan Shops and Commercial Establishments Act, 1958
21. Sikkim Shops and Commercial Establishments Act, 1983
22. Tamil Nadu Shops and Establishments Act, 1947
23. Tripura Shops and Establishments Act, 1970
24. Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhiniyam, 1962
25. Uttarakhand Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017
26. West Bengal Shops and Establishments Act, 1963
27. Andaman and Nicobar Islands Shops and Establishment Regulation, 2004
28. Delhi Shops and Establishments Act, 1954
29. Jammu and Kashmir Shops and Establishments (Licensing, Regulation of Employment and Conditions of Service) Act, 2025
30. Puducherry Shops and Establishments Act, 1964

APPENDIX C

**PROTECTIONS GRANTED TO WORKERS UNDER PRE-LABOUR CODE
LEGISLATIONS**

Prior to the consolidation of labour laws into the four Labour Codes, workers in India were governed by a range of individual legislations. These statutes applied to employees across varied establishments such as factories, plantations, mines, transport undertakings, beedi and cigar manufacturing premises, and other industrial and commercial establishments. Each Act defined its own category of worker or employee and provided protections relating to wages, hours of work, health and safety, welfare facilities, maternity benefits, gratuity, and collective rights. A summary of the protections granted under these pre Labour Code laws is reproduced in the table below for ready reference.

S. No.	Act	Persons covered under the Act	Protections under the Act
1.	Payment of Wages Act, 1936	“Employed person” in Factories, Industrial or other establishment as defined under Section 2 of the Act.	<ul style="list-style-type: none"> - Timely payment of wages (Section 4) - Wages to be paid to employed persons without deductions except those authorized by the Act (Section 7) - Maintenance of registers and records by employer giving such particulars of persons employed by him, the work performed by them, the wages paid to them, the deductions made from their wages, the receipts given by them (Section 13A) - Claim against wrongful deduction or delay in payment of wages by employed persons before the prescribed authority (Section 15).
2.	Minimum Wages Act, 1948	Employees in “scheduled employment”, as defined under Section 2(g) of the Act.	<ul style="list-style-type: none"> - Fixation of minimum rates or wages payable to employees employed in an employment specified in Part I or Part II of the Schedule and in an employment added to either part by notification under section 27 of the Act; review of minimum rates of wages so fixed and revision, if necessary (Section 3) - Fixation of hours for a normal working day, including a day of

			<p>rest in every period of seven days (Section 13)</p> <ul style="list-style-type: none"> - Overtime pay for employees working in excess of the number of hours constituting a normal working day. (Section 14) - Maintenance of registers and records by employer giving such particulars of employees employed by him, the work performed by them, the wages paid to them, receipts given by them and such other particulars and in such forms as may be prescribed. (Section 18) - Claims against payment of less than the minimum wages before the appropriate authority (Section 20)
3.	Payment of Bonus Act, 1965	<p>Employees, i.e., any person (other than an apprentice) employed on a salary or wage not exceeding [three thousand and five hundred rupees] per mensem in any industry to do any skilled or unskilled manual, supervisory, managerial, administrative, technical or clerical work for hire or reward, whether the terms of employment be express or implied, as defined under Section 2(13) of the Act.</p>	<ul style="list-style-type: none"> - Payment of minimum bonus which shall be 8.33 per cent of the salary or wages earned by the employee during the accounting year or one hundred rupees, whichever is higher. (Section 10) - Application of the Act to public sector, if in any accounting year an establishment in public sector sells any goods produced or manufactured by it or renders any services, in competition with an establishment in private sector, and the income from such sale or services or both is not less than twenty per cent of the gross income of the establishment in public sector for that year (Section 20) - Reference of disputes between an employer and his employees with respect to the bonus payable under this Act or with respect to the application of this Act to an establishment in public sector, deemed to be an industrial dispute within the meaning of the Industrial Disputes Act, 1947 (Section 22)

4.	Trade Unions Act, 1926	“Workmen” as defined under Section 2(g) of the Act, meaning all persons employed in trade or industry whether or not in the employment of the employer with whom the trade dispute arises.	<ul style="list-style-type: none"> - Protection from criminal conspiracy charges for agreements made to further legitimate trade union objectives. (Section 17) - Agreements between trade union members not considered void or unenforceable merely because they restrain trade. (Section 18)
5.	Factories Act, 1948	“Worker” as defined under Section 2(l) of the Act.	<ul style="list-style-type: none"> - No room in any factory shall be over-crowded to an extent injurious to the health of the workers employed therein. (Section 16) - Effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water. (Section 18) - sufficient latrine and urinal accommodation of prescribed types shall be provided conveniently situated and accessible to workers at all times while they are at the factory (Section 19) - No young person shall be required or allowed to work at any machine unless fully instructed as to the dangers arising in connection with the machine and the precautions to be observed and- (a) has received sufficient training in work at the machine, or (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine. (Section 23)
6.	Contract Labour Act, 1970	“Workman” as defined under Section 2(i) of the Act	<ul style="list-style-type: none"> - Registration of establishment by the employer (Section 7)

7.	Beedi and Cigar Workers Act, 1966	“Employee” as defined under Section 2(1) of the Act.	<p>industrial premises are to be licensed. The application for license has to specify the maximum number of employees proposed to be employed at any time of the day in the place or premises and shall be accompanied by a plan of the place or premises prepared in such manner as may be prescribed. (Section 3)</p> <p>- Suitability of the place or premises which is proposed to be used for the manufacture of beedi or cigar or both was considered along with previous experience of the applicant, the financial resources of the applicant including his financial capacity to meet the demands arising out of the provisions of the laws for the time being in force relating to welfare of labour. (Section 4)</p>
8.	Employee s' Compensation Act, 1923	“Employees” as defined under Section 2 (I) (dd) of the Act which includes a railway servant but not permanently employed in any administrative district, crew of a ship, persons working as driver and helper etc and persons doing such jobs recruited for work abroad by a company.	<p>If an employee is injured in the course of employment for death or any injury or disability that occurred in the course of the business. (Section 3)</p> <p>Amount of compensation is fixed to 50% of monthly wages multiplied by relevant factor for death or Rs. 1, 20,000 rupees whichever is more and 60% of the monthly wages multiplied by relevant factors or Rs. 1,40,000 whichever is more in case of total disablement and similar formula has been provided for partial disablement (Section 4)</p> <p>Payment of the compensation to be made as soon as it is due and if employer fails to do so then a simple interest of 12% is payable (Section 4A)</p>

			Payment of compensation has to be made through the Commissioner as defined under the Act and not directly to the employee. (Section 8)
9.	Employee s' Provident Funds Act, 1952	Employee as defined in 2 (f) of the Act means any person who is employed for wages in any kind of work in any kind of work manual or otherwise.	<p>Central Govt may frame a scheme of Provident fund for the employees. (Section 5)</p> <p>The schemes will sustain by contribution from employers and employees equally. (Section 6)</p> <p>Pension scheme may be framed for retired employees or any class of employees or family pension. (Section 6A)</p> <p>Establishment of Deposit linked insurance scheme for life insurance benefits. (Section 6C)</p> <p>The amounts paid under the scheme shall not be liable to any attachment under any decree or order of any court. (Section 10)</p>
10.	Payment of Gratuity Act, 1972	Employee as defined in Section 2€ of the Act means any person employed for wages involved in work like manual, mine, oilfield, factory, planation, port, railway company, short etc.	<p>Gratuity to be payable on the termination of employment. (Section 4)</p> <p>There must be compulsory insurance as per the notification of the Central government. (Section 4A)</p>