

Supreme Court of India

Gopalji Jha Shastri And Ors. vs State Of Bihar on 14 December, 1982

Equivalent citations: 1984 (49) FLR 370, (1983) IILLJ 22 SC, 1982 (2) SCALE 1365, (1983) 2 SCC 4

Bench: D Desai, R Misra

ORDER

1. Three appellants were members of the Managing Committee of Bihar Khadi Gramodyog Sangh. In that capacity they were prosecuted for committing an offence under Section 31(1) of the Industrial Disputes Act, 1947. Learned Sub Divisional Magistrate took cognizance of the offence against the afore-mentioned persons who are appellants in this appeal. Thereupon, the appellants moved the High Court of Judicature at Patna in Cr.W.J.C. No 93 of 1973 for quashing the order taking cognizance of the offence. It was contended before the High Court that Bihar Khadi Gramodyog Sangh is not an industry within the meaning of Section 2(j) of the Industrial Disputes Act and therefore, the action of the appellants could not be said to be in contravention of Section 33 so as to be punishable under Section 31(1). A Division Bench of the High Court by its judgment declined to interfere with the order of learned Magistrate and dismissed the writ petition. Hence this appeal by special leave.

2. The point raised in this appeal would be covered by the decision of the Constitution Bench composed of seven Judges of this Court in Bangalore Water Supply and Sewerage Board etc. vs R. Rajappa & Ors. 1979 (3) SCR 207. The wide sweep of expression 'Industry' as interoperated ther in will comprehend Bihar Khadi Gramodyog Sangh and, therefore, following the decision it must be held that Bihar Khadi Gramodyog Sangh is an industry within the meaning of the expression of Section 2(j) of the Industrial Disputes Act, 1947. Consequently, the contention raised in this appeal must fail. That being the only point, the appeal fails and is dismissed.