



FAIRFIELD School of Law

FIMT Institutional Campus, Kapashera, New Delhi-110037 Mob : 9312352942, 9811568155

Phones : 011-25063208/09/10/11, 25066256/57/58/59/60 Fax : 011-250 63212

Website: fimt-ggsipu.org E-mail: fimt-mootcourt@gmail.com

For Moot Court Enquiry (09.30 AM to 04.30 PM): 09953449678, 08860480008

Sponsored By



BAR COUNCIL OF INDIA TRUST

21, ROUSE AVENUE, INSTITUTIONAL AREA, NEW DELHI-110002

Email – trustbci@gmail.com Website www.barcouncilofindia.org



MOOT PROBLEM - NO. 4

(FOR FINAL ROUND)

1. Tamboora Cements is a registered and privately owned company which operates in the Indian state of Rajasthan. It owns five cement producing plants which are located in the Indian states of Rajasthan, Uttar Pradesh and Madhya Pradesh.
2. The cement producing plant in Rajasthan employs 2500 workers who are engaged in various forms of manual and semi-manual labour at the plant. At the same time, there are around 150 managerial level staff at the plant.
3. The manual and semi-manual labourers at the plant are employed on contract. Most of this labour force is illiterate and are made to affix their thumb impressions to the standard form contracts which are provided to them.
4. In the year 2014, the majority of the labour force became dissatisfied with the management of the cement making plant in Rajasthan when it was suggested that their normal working shifts of 10 hours every day would be extended to 12 hours per day without any increase in the Rs160 daily wage which was provided to them.
5. Sensing the dissatisfaction amongst the labour, the management decided on 15.12.2014 to summarily lay-off 200 people who were employed with the plant. They were asked to leave without notice and told not to return to the plant.
6. As news of the dismissal of 200 people spread, the labourers decided that it was time for them to organise themselves into a labour union and collectively bargain with the management. For this purpose, they decided to form a trade union to take up their demands against the management.
7. Since most of the workers belonging to this plant had no prior knowledge of organising on party lines, they requested Ms X, who was a well known member of the AITUC to come to their village and help them organise.
8. Ms X reached the village on the night of 31.12.2014 and met the workers of the plant. She was appalled at the working conditions prevalent in the cement manufacturing plant, as these were narrated to her by the workers. It seems that there was no system of compensation for workers who were injured during the operation of the plant. Similarly, there was no security of employment and dismissals and lay-offs were both common and arbitrary.
9. Ms X suggested that the workers of the cement plant immediately become members of the AITUC to which most of the workers readily agreed. She also suggested that the workers go on a lightning strike the next day at the time they are supposed to present themselves at the plant for work.
10. Ms X received the agreement of around 300 workers for the lightning strike. Out of these, 200 people were the ones who had been dismissed by the company some days ago. On 01.01.2015, at around 8:30 am, which was the usual reporting time for work, Ms X and 300 workers marched to the main gate of the plant and sat down in front of the gate. They refused to move from the same position and also did not allow the other workers, who were not striking, from approaching the gate and entering the plant premises.

11. At the same time, led by Ms. X, the striking workers raised slogans and demands against the management. The effect of the entire demonstration was that work was not allowed to begin at the plant. Seeing what they perceived to be success, around 800 workers who were not previously striking also joined the strike and made a sit-in in front of the plant.

12. At around 12:30 pm, at the insistence of the management, the police was called to the scene. The police arrested Ms X and transported her to the police station. They also resorted to lathi charge to clear the area around the gate of the plant and around 50 persons were taken into custody. Around 200 workers were injured in the lathi charge.

13. That evening, all 2500 members of the labour force entered into membership of the AITUC. Ms X was released by the police in the evening and upon returning to the village she informed the workers of the future course of action.

14. The next morning, at around 5 am, which is beyond the normal working hours of the plant, around 1000 workers entered the compound of the plant by jumping over the boundary walls. They then proceeded to block the entry points into the plant building by a sit in. At the same time, another 1000 workers blocked the access road to the plant side by placing logs of wood and stones. They then proceeded to encircle the plant gate and raised slogans. It was made clear that no work would resume at the plant till the demands were met.

15. Because of the blockade, around 10 managers of the plant were locked in. At the same time, no other person could enter the plant.

16. The police registered an FIR against Ms X and other members of the labour force on the charges of conspiracy, trespass of property, nuisance, cheating, criminal intimidation and assault. With great difficulty, they arrested Ms X and several other workers.

17. The AITUC, on behalf of its members and against the management, files a S.482, Cr.P.C. petition at the Rajasthan High Court seeking that the proceedings instituted be quashed.

18. On behalf of the complainant/state as well as on behalf of AITUC, frame arguments and make oral submissions.

&&&&

Bar Council of India & FIMT-School of Law